

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 12, 2000
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Rogers; present. Council Members, Gale and Pisciotte; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

Father William Carr gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

*Council Member Gale, Present.

Minutes -- approved

Minutes of the regular meeting of August 22, 2000, were approved 6 to 0. Pisciotte absent)

AWARDS AND PRESENTATIONS

RECOGNITION

Olympic Class Athletes from the Wichita Swim Club were recognized.

RECOGNITION

The Russian Delegation, hosted by West Side Rotary Club, was recognized.

PROCLAMATIONS

Proclamations previously approved were presented by Mayor Knight and Vice Mayor Lambke.

Mayor Knight left the Bench; Vice Mayor Lambke in the Chair.

NEW BUSINESS

VALLEY HI ROAD

PETITION TO PAVE VALLEY HI ROAD, WEST OF DECKER ROAD – SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0848.

The signature on the Petition represents 1 of 5 (20%) owners and 74.5% of the improvement district area.

The Petition is a requirement for platting Auburn Hills 12th Addition, one of the residential areas in the Auburn Hills Golf Course development. Two homes are located adjacent to Valley Hi Road outside the new addition. Those property owners did not sign the Petition. Council Member Martz and the City Engineer met on site with the property owners and answered questions about the project.

The estimated project cost is \$216,000. The funding source is special assessments. The estimated assessment to each of the two lots outside the new addition is \$12,500.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard.

Tom Farmer

Tom Farmer, homeowner, 14126 Valley High Road, stated that he is one of two lot owners opposed to paving Valley High Road: The petition is premature because the conditions for triggering the May 14, 1975, contingent dedication agreement have not been formally met. There were two conditions: (1) the road was required for public use to convert to public right of way (that road is a dirt road and is a private drive); (2) additional land needs to be dedicated to that road as a condition for triggering the public right-of-way use of the road.

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The second condition has to do with need for a 35-foot width of entire length of the road to also be dedicated.

In the past, the developer has brought forward different options that do not require the road to be converted to a public right-of-way.

There are two other reasons why the petition should not be passed: (1) the notion of substantially equal burden to the landowners on either side of that road; (2) there has been pressure to sub-divide. A higher paving assessment against the Farmer property, just because the lot is larger is further indication of pressure to force sub-division.

The final reason for opposition is that the improvement district has not really been drawn up correctly for who is benefiting from the paving of the road. The City Engineering Department has said that the petition for the actual assessment was based on 18 homes along that road. There are two large lot homes on the north side and then there are 16 smaller lot sizes on the south side of the road, but the two Farmer lots (on the north side) are being assessed at higher rate than the 16 on the south side. The assessments for the 16 lots on the south side are being spread to the homes behind them. The original 18 lots are the beneficiaries of the paving and only these lots should be considered in determining whether the petition is sufficient. And if that's considered, that would be more appropriate. The 74.5 percent majority does not exist.

Mike Lindebak	City Engineer stated that the petition treats the two properties on the north side (both are similar in size - about five acres each) the same. The petition also treats the properties that are similar in nature on the south side the same.
Albert Medero	Albert Medero, property owner on the north side of Valley High next to the Farmer's, concurred with Mr. Farmer on the unfairness regarding the paving of Valley High. The cost of paving belongs to the 12 th Division, which is coming; however, there is a compromise involving the two lots to the north. As part of that Addition, a requirement has been made that all of the roads in that addition be paved. Those paving costs belong to the 12 th Addition. The costs for paving Valley High needing to be spread out over all the lots. There are 73 lots in the 12 th Addition and two lots on the north side, a total of 75 lots, over which the cost should be spread.
Gary Rebenstorf	Director of Law responding to a question about spreading the assessments in the manner that is being requested, stated that the law requires, and the City's policy is, that the people on both sides of the street, up to half-way through that block pay for the assessments. The original assessment proposal is in accordance with the law.
Motion -- carried	Martz moved that the Petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent)

RESOLUTION NO. R-00-327

A Resolution of findings of advisability and Resolution authorizing improving of Valley Hi Road, from the west line of Decker Drive, west to the west line of the plat of Auburn Hills 12th Addition (south of Maple, west of 135th Street West) 472-83272 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 5 to 0. Ayes: Cole, Gale, Lambke, Martz, Rogers. (Pisciotte, Knight; absent).

PAVE 31ST STREET

PETITION TO PAVE 31ST STREET NORTH, FROM HOOD TO ARKANSAS AVENUE. (District VI)

Mike Lindebak	<p>City Engineer reviewed the Item.</p> <p>Agenda Report No. 00-0849.</p> <p>The signatures on the Petition represent 58 of 121 (47.9%) resident owners and 51.8% of the improvement district area. An August 7, 2000 District VI Advisory Board meeting was held to discuss the Petition.</p> <p>31st Street North, from Hood to Arkansas, is a sand road that provides access to an area comprised predominately of single-family homes.</p> <p>The estimated cost of the project is \$367,000 with \$328,500 assessed to the improvement district and \$38,500 paid by the City. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.19 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.</p> <p>State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to order in street paving projects.</p>
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Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard.

Jim Toben

Jim Toben, 902 West 31st Street North, spoke in opposition to the petition because, at the Advisory Board meeting August 7th, there was a mention that 51.8% was not correct, that 50.2% of the homeowners signed the petition. Also, the assessment will hurt the homeowners of that area (senior citizens and Spanish-speaking Americans on fixed incomes). There is also concern about drainage and drainage costs.

Mr. Toben said two of the individuals who previously signed the petition said they did not understand what they were signing and wished their names be withdrawn

The withdrawal petition was submitted to the Clerk.

Richard Jesse

Richard Jesse, 3201 Woodland, spoke in favor of the petition. Paving from Hood to Arkansas will be single most important thing that could happen to this area, from 29th to 33rd. Paving will improve the area and keep it up-graded. Also, will stop a lot of dust.

Gordon Sewell

Gordon Sewel, 3207 Salina, said there would be some who would profit from the lack of dust. There are some plans to build new houses in some of the larger areas in this district.

Also, it comes down to the number of houses that are paying versus the square footage of the land. Mr. Sewell has over an acre of land but his house was built in 1951. Other houses in this benefit district are easily worth over \$100,000, yet these people aren't paying near his \$9,400 assessment, and they receive direct benefit from the paving.

There is also concern regarding drainage on 31st Street. A five-year moratorium should be required on any new construction to see if it's the pavement they that's really wanted, or if it's making money on development.

Richard Yeary

Richard Yeary, 1820 West 30th Street North spoke in support of the petition.

Frank Schoffner

Frank Schoffner, speaking for a young couple on 31st Street North, said the half-block they will drive will cost them over \$16.00 a month or a little over 50 cents a day to drive, back and forth. There is not enough traffic to justify the additional expense.

Motion --

-- carried

Cole moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 5 to 0. (Pisciotte, Knight; absent).

RESOLUTION NO. R-00-328

A Resolution of findings of advisability and Resolution authorizing improving of 31st Street North, from the east line of Hood Avenue to the west line of Salina Avenue, and from the east line of Salina Avenue to the west line of Woodland Avenue, and from the east line of Woodland Avenue to the west line of Arkansas Avenue, 472-83271, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Martz moved that the Resolution be adopted. Motion carried 5 to 0. Ayes: Cole, Gale, Lambke, Martz, Rogers. (Pisciotte, Knight; absent).

ASSESSMENT REQUEST PETITION FOR SPECIAL ASSESSMENT.

The Item was pulled from the Agenda.

SER LEASE

MODIFICATIONS TO FORMER ARTS AND CRAFTS BUILDING – 25TH STREET AND ARKANSAS. (District VI)

The Item was pulled from the Agenda.

Chris Cherches, City Manager, left the meeting; Cathy Holdeman, Administrative Services Director, present.

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CORRECTIONAL HSG. ALTERNATIVE CORRECTIONAL HOUSING ORDINANCE.

Cathy Holdeman

Administrative Services Director reviewed the Item.

Agenda Report No. 00-0852.

The Wichita/Sedgwick County Alternative Correctional Housing Advisory Board was established on October 1, 1996. An appointed Board was selected to formalize the efforts of the Alternative Correctional Housing Task Force, Co-chaired by Council Member Joan Cole and former County Commissioner Melody Miller. The Task Force held weekly meetings beginning in February 1996 to study concerns raised by neighborhoods and the judicial system over alternative correctional housing. (Alternative Correctional Housing is defined as community-based living arrangements which provide structured residential facilities as an alternative to incarceration in State penal institutions or in the County jail).

When the Task Force first began its work it found that facilities in existence in Sedgwick County varied in commitment to rehabilitating and reintegrating offenders into the community as productive citizens. Some of the facilities offered residential services along with structured programs and a wide variety of support services, while others provided a primarily residential living environment. The actual number and condition of alternative correctional housing facilities was unknown as facilities were not required to be licensed or regulated. However, research conducted at that time indicated that such facilities were primarily concentrated in the core area of the City and in the northeast community.

The Task Force responded to a number of concerns expressed by neighborhood residents. Specifically, residents were concerned about the appearance of the group homes; the types of offenders residing in the homes which relate to concerns of neighborhood safety; the number of homes, or offenders residing within a home (density of population) in a neighborhood; and the quality of life for clients residing in the facilities.

As a result of the Task Force's meetings, research, and public hearings, a Preliminary Report was prepared and presented to the City Council, County Commission and the

Metropolitan Area Planning Commission in separate workshops. The report was also provided to the Citizen Participation Councils CPO's). In its report to the governing bodies, the Task Force made the following recommendations:

- ? Require alternative correctional housing facilities to be licensed
- ? Approve "Steps for Licensing" for new and existing facilities
- ? Require applicants (for licenses) to meet criminal record check requirements
- ? Amend the zoning code definitions and permitted classes
- ? Require facilities to meet minimum standards for operation as certified by the program auditor
- ? Establish a City/County Correctional Housing Board to regulate and govern standards for operation

Board Composition: The Task Force recommended a board composition of 21 members appointed by the City Council and the County Commission. These included:

- ? One Member from the Wichita City Council
- ? One Member from the County Commission
- ? A District Court Judge
- ? A Municipal Court Judge
- ? Representative from Community Corrections Advisory Bd.
- ? Representative from the Sheriff's Office
- ? Representative from the State Parole Office
- ? A Police Department representative
- ? Representative from the District Court Probation Office
- ? Representative from Municipal Court Probation Office
- ? Representative from Sedgwick County Department of Corrections
- ? Representative from a federal correctional facility
- ? Representative from an alcohol/drug treatment program
- ? Two private sector representatives with expertise in corrections
- ? Three neighborhood representatives
- ? Representative from a university and from the ALARM group

From within the larger advisory board, a seven-member regulatory committee was created to serve as an appeals committee for the granting or denial of licenses by staff, and on the interpretation of licensing standards. (Representatives from the Sheriff's Office, Police Department, District Court and Municipal Court judges, and the representative from the District Attorney's Office cannot serve on this committee due to the potential conflict of

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interest). The appeals committee was given authority to revoke licenses upon notice with a hearing before the committee and a report to the City Council (or County Commission) depending on the jurisdiction/location of the facility.

City Council Review: On July 18, 2000, the City Council considered an amendment to the Ordinance establishing the Alternative Correctional Housing Board and Licensing of Facilities. The Council directed Staff to revisit the mission of the Correctional Housing program; determine if the Board should have a "broader-base" membership; review the ordinance establishing the authority of the Board and determine if such tasks and responsibilities could be handled administratively by City departments; and evaluate the Board under the provisions of the City's "sunsetting policy" for boards/commissions. **Analysis:** Since the inception of the Alternative Correctional Housing Advisory Board in 1996, a number of actions have taken place with respect to the structure and governance of this board. On May 10, 2000, the Sedgwick County Commission adopted a resolution that terminated the County's participation on the Wichita/Sedgwick County Alternative Correctional Housing board. This action ended the Board's ability to regulate correctional housing facilities outside the City limits. In addition to changing the jurisdiction of the Board, the County's resolution has also impacted half of the current membership of the Board, as 10 of the 21 members were appointed by the County Commission.

As a result of the County's action to terminate participation on this Board, the City Council considered an amendment to its ordinance to reflect this and other changes deemed necessary by the Board. With respect to the membership, the Alternative Correctional Housing Board recommended to the City Council that the Board be reduced from 21 to 19 voting members. The membership from ALARM was eliminated (at the organization's request), along with members from the Sedgwick County Commission, a federal residential correctional facility, and an alcohol and drug treatment program. It was suggested, however, that other members be added, including: a representative from the federal probation office and a member with expertise in alcohol and drug treatment. The Board also recommended that no voting member can be a representative of a provider licensed pursuant to the ordinance, but did recommend two non-voting members to the Board who are representatives of licensed providers.

The Council was also asked to consider an amendment to Section 20.08.090 of the City's Code that provides that licensed service providers may not employ persons who are under the supervision of a local court. This section of the current Code only prohibits providers from hiring persons under the supervision of a federal or state court, and is inconsistent with the minimal standards contained in Section 20.08.110 of the current Code, which contains a prohibition against hiring persons who are on probation to a federal, state or local court.

July 18, 2000 Council Action: The City Council placed the revised ordinance on first reading with the following amendments: (1) the word "supervisory" be inserted in the first sentence of Section 20.08.090 (c) between the words "unpaid" and "persons" to have the sentence read: ; "In addition to the records check for owners and managers of the facility, the facility must establish a personnel policy which prohibits employment of paid or unpaid supervisory persons who;" and (2) the word "supervisory" be inserted in the second sentence of Section of 20.08.110 (a)(16) between the words "unpaid" and "persons" to have the sentence read: "The facility will establish a personnel policy that prohibits employment of paid or unpaid supervisory persons with any of the following;" and that adoption of the ordinance be deferred to allow time to develop recommendations as to how isolated parts of the Ordinance's responsibilities can be delegated to current City departments.

REGULATORY OPTIONS: The following sets forth alternatives for administration and regulation of alternative correctional housing facilities.

OPTION A – Administrative Enforcement

This Option assumes the termination of the Alternative Correctional Housing Advisory Board and charges City Departments with the licensing, oversight and enforcement of the regulations (established by ordinance) of such facilities.

City staff would continue to be responsible for the licensure of alternative correctional housing facilities. License forms are available at the Treasury Office (City Hall Express Office). Instructions provide that the applicant obtain life, health and safety inspections which will continue to be coordinated through the Office of Central Inspection (OCI). This office also checks for appropriate zoning and coordinates Fire and Health Department inspections when necessary. Criminal record checks are currently performed by the Police Department and continue under the supervision of this department with results reported back to OCI.

The program audit function would be contracted out on an as-needed basis. Yearly evaluations would be conducted to ensure the facilities are adhering to basic program standards and City regulations. For example, facilities must demonstrate that they have in place a number of policies and procedures to ensure that services are being adequately provided to the clients and that there is a formal grievance process. Currently, funding for the contract auditor have been paid by the licensed facilities. Services have been limited due to many of the providers not having the ability to pay for an extensive program audit. To increase the quality of service delivery by licensed

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facilities, the City may want to subsidize the costs of program audit services and require the auditor to provide training programs and technical assistance (such as assistance with development of policy manuals when necessary) to the licensed correctional housing facilities.

A process for license revocation (and a corresponding appeal process) needs to exist when the facility does not comply with either premise or program conditions as specified in the ordinance. Additionally, there needs to be a grievance process for clients of the facilities. The following outlines steps to be taken when there is situation of noncompliance:

? When premise violations exist, OCI will send a notice to the provider that they are in violation of the ordinance and outline timeframes for corrective action(s). If compliance is not attained by the specified time, OCI will follow-up by issuing a Uniform Criminal Complaint. The complaint will be adjudicated in Municipal Court. If during the annual license renewal process premise violations are found and not corrected, a new annual license will not be issued. The absence of a license is a criminal violation and would also be adjudicated in Municipal Court. (The Municipal Court Judge can impose fines and penalties for premise violations and operating without a license, but cannot revoke a license. Therefore, there still needs to be a process for revocation when premise conditions remain unresolved.)

? When a facility has not complied with program requirements (as set forth in the ordinance), or when premise violations have not been successfully resolved by Municipal Court, there needs to be a process to revoke a license. The Superintendent of OCI and/or program auditor will need to have the authority to initiate the license revocation process. This process begins with the Superintendent (when premise violations exist), or the program auditor (when programmatic violations exist) making a recommendation to the City Manager that the license be revoked. Should this occur, the City Manager then appoints a three-person investigative committee to review the case (similar to a grievance board). The committee can make a recommendation to revoke or not revoke the license. The recommendation is forwarded to the City Manager who has 10 days to act on the recommendation. Should the Manager concur with a recommendation to revoke, the facility owners can appeal to the City Council.

? When a client cannot resolve a dispute with the owners or managers of an alternative correctional housing facility, a process similar to the one outlined (above) could be initiated. The client brings a grievance to the Superintendent of OCI who requests that the Manager create a three-person investigative committee to review the case. The Committee's recommendations are forwarded to the City Manager who has ten days to respond. Should the facility or client disagree with the finding, they can appeal to the City Council.

? There may be situations where neighborhoods need to have a forum to address issues associated with alternative correctional housing that are not addressed during the zoning and permitting processes. This could be accomplished by bringing such issues to the District Advisory Board and recommendations could be made to the City Council.

OPTION B - Continuation of the Current Advisory Board

This Option continues the Alternative Correctional Housing Advisory Board and continues the Regulatory Committee to address non-compliance issues and to provide for an appeal process. The Board depends upon the work of City departments to coordinate the licensing and regulatory process as well as the work of a program auditor. Under this option, the City Council must act to adopt the proposed Board structure - - as presented at the July 18, 2000 meeting - - or suggest other representation if appropriate.

If a more broad-base representation is desired for the Advisory Board, the City Council could select representatives from their respective District Advisory Boards, as well as appoint specific individuals as ex-officio with the professional backgrounds, as currently represented on the Board.

The current Alternative Correctional Housing Advisory Board is responsible for the following functions:

- ? A regulatory process to ensure those licensed facilities monitor and control clients whereabouts which help to ensure the safety of neighborhoods.
- ? An oversight group to ensure that providers are meeting minimum standards (both premise and programmatic).
- ? Serves as an appeal board for both clients and licensed providers (currently provided by the regulatory committee).
- ? Provides a mechanism for communication among governmental and regulatory agencies – especially agencies involved in correctional services.
- ? Serves as an information source about who is under supervision, thereby using that information for better decisions associated with this clientele.
- ? Provides a regulatory process serving as a screening tool for those agencies that place clients in these facilities. If they do not meet minimum standards, as set forth by this Board (and approved by ordinance), clients are not placed in the facilities.
- ? Assists in providing direction for program audit services and decisions that arise due to monitoring conditions.

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OPTION C – Combination of Advisory Board/Staff

This Option would maintain an advisory board appointed by the City Council to oversee the program on a periodic basis, but place the responsibility for licensing, oversight and enforcement with City departments. City Staff would contract with a program auditor on an-as-needed basis to assist in the training, technical assistance and program/operation evaluations of licensed establishments.

With whatever option (Administration/Regulation by City staff, Continued regulation by the Alternative Correctional Housing Board, or Combination of Board/Staff), is preferred by the City Council, additional funding may be required to expand the technical assistance and program audit services. Currently, providers pay \$400 per audit and, although the auditor has provided a complete work product, this level of funding has limited the provision of training and technical assistance. [For example, several clients could be better operators if they had more complete policy and procedure manuals.] An additional allocation (not to exceed \$5,000) would allow for enhanced program audit and technical services to improve the operations of the licensed facilities. After evaluation, if such services are found to be beneficial to improve the quality of licensed establishments, the program could be continued with an adjustment in provider fees or subsidized by the City.

The City Council has the authority to regulate alternative correctional housing as a staff function or through an advisory board process, or both. Depending upon the preferred option by the Council, the Law Department will make the necessary ordinance revisions.

- Council Member Cole Council Member Cole said a number of calls had been received from neighborhood organizations asking for clear delineation of the difference between Option B (the current situation) and Option C. The current situation has been that the real enforcement and inspection has been carried out by staff and a program auditor.
- Cathy Holdeman Administrative Services Director, explained that Option C places the Alternative Correction Advisory Board in more of an advisory capacity and the adjudication of any of those violations would be done by staff, possibly by using the process as set forth in the first option with the violations going to Municipal Court (which they can still do today). The process would set up a separate board, appointed by the Manager, to adjudicate those cases. Option C could, as a hybrid of those two, actually replace the regulatory function.
- Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard.
- Sharon Feary Sharon Feary, 1323 North Emporia, read two paragraphs of a letter sent to the Council by Historic Midtown: “At its July 24, 2000, meeting, the board of directors of Historic Mid-Town voted unanimously to recommend to the Wichita City Council that the Alternative Correctional Housing Board be maintained with its original composition and purpose. The membership of the Housing Board was arrived at after much deliberation and input from parties directly involved in dealing with offenders. They, in turn, established policies they felt were reasonable for the protection of both the offenders and the general public. With the recent vote to revise the standard and allow non-supervisory positions to be held by resident offenders, the original intent of the policy has been put in jeopardy.
- “A policy permitting one offender to have any type of power, i.e., denial of residence rights, or granting of special privileges over another offender threatens the safety and well-being of all the homes’ occupants as well as residents of surrounding neighborhoods.”
- Since the time the letter was sent, the Board of Directors did have a chance to review the options that Cathy Holdeman just spoke to. After reviewing these recommendations, there are two points to be made: (1) “We do not feel that the word ‘supervisory’ should be added. The working as it currently stands was created by a group of professionals who deal with this clientele on a daily basis. It would be presumptuous on anyone’s part to try to second-guess these professionals and change wording that was carefully formulated by them. (2) We support Option B for the makeup of the Board. It retains the professionals on the board, does not add an undue burden on the Office of Central Inspection or other City offices, and does not yet put another former citizen’s board under the District Advisory Board, which can only make recommendations to one City Council member, the one they serve under.”
- Ms. Feary urged the City Council to retain the current wording and adopt Option B.
- City Council Member Council Member Cole stated that she would like to consider the two issues separately. The alternative Correctional Housing Advisory Board Organization has been effective (Option B, the continuation of the current advisory board with an expanded base).
- The Dodge House is the facility that requested that offenders be allowed to serve in paid or un-paid positions throughout the facility - a practice that all persons working in the corrections field believe subjects other offenders to influence and corrosion that makes them vulnerable to exploitation. Council Member Cole urged the City

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Council to reject this request and to hold to the present standard which does not apply to the employment component of Dodge House, only to the facility in which residents live; to grant Licensures to give the City's stamp of approval, both upon the facility and the standards.

- City Council Member Council Member Rogers spoke of concern regarding composition of the board and the duties assigned. The average citizen is tired of additional regulatory agencies being provided by government, particularly when they are duplications. Council Member Rogers spoke in favor of Option A, which basically gives the responsibility for the policy making of these areas to the elected representatives of this City, and to the administrative Staff that implements those recommendations.
- Vice-Mayor Lambke Vice Mayor Lambke stated under Option A, third paragraph, it states "Program audit functions would be contracted out on an as-need basis," which may take care of some of the concern. Also DAB III voted unanimously to keep the original standards. Preferred language would not allow people in the correctional institutes to have any authority or any jobs where they may coerce or intimidate the other residents. The original language, or Option A, would be acceptable.
- Motion -- Rogers moved that this Item be deferred two weeks.
- Council Member Council Member Cole stated that it would be her choice to move ahead and take the vote today, but to deal with the two issues separately. To make one motion on the advisory board and then to make a second motion on the standard that is being talked about modifying. Two houses are in the process of applying for Licenses.
- Substitute motion -- Cole moved a substitute motion that the City Council reaffirm the original standard as to paid or unpaid persons working in the facilities, as it exists now and is currently being applied. Substitute motion failed 3 to 2. Martz, -- failed Rogers, Gale - No. (Pisciotte, Knight; absent).
- carried Motion carried 3 to 2. Cole, Lambke - No. (Pisciotte, Knight; absent).

(The following Item was taken up later in the meeting; action is shown in Agenda order.)

PLUMBING CODE (Rogers present)
AMENDMENTS TO TITLE 21, PLUMBING CODE.

Kurt Schroeder Central Inspection Superintendent reviewed the Item.

Agenda Report No. 00-0853.

The Board of Appeals of Plumbers and Gas Fitters and the Office of Central Inspection recommends that the proposed amendments to the City of Wichita Plumbing Code (Title 21) be approved on first reading.

Fees for plumbing and gas fitting permits have not been adjusted for over fifteen years. During the review of the City's proposed 2001/2002 budget, it was recommended that plumbing and gas fitting permit fees be increased to better reflect the current cost of reviewing and issuing such permits, and of performing required installation inspections. These suggested permit fee increases were recently authorized by the City Council upon adoption of the 2000 Revised and 2001/2002 Budget.

On July 5, 2000, the Board of Appeals of Plumbers and Gas Fitters reviewed and discussed proposed plumbing and gas fitting permit fee increases, and unanimously recommended that the fee increases proposed in the amended ordinance be implemented.

For some time, there has also been discussion between staff and the plumbing industry as to the benefits of requiring all City of Wichita licensed plumbing and gas fitting contractors to obtain and file with the City a surety bond. After consultation with the City's Law Department to determine if such surety bonds are still necessary, since general liability insurance is now required for all contractors, staff and the Board of Appeals of Plumbers and Gas Fitters have unanimously recommended that the requirement to file a surety bond with the City be eliminated. In November, 1999, a similar surety bond requirement for City of Wichita licensed electrical contractors was repealed by the City Council

The proposed changes are as follows:

Section 21.04.040: Amend the Section to eliminate the requirement that licensed plumbers or gas fitters file a \$2,000 surety bond with the City.

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Section 21.04.050: Amend this Section to increase plumbing and gas fitting permit fees as recommended by the Board of Appeals of Plumbers and Gas Fitters. The proposed fee increases will increase the majority of plumbing and gas fitting permit fees by approximately 35%, and is the amount required to cover the costs of plumbing and gas fitting permit review and issuance, field inspection, and code enforcement services.

Upon adoption, the amended ordinance will increase the cost of most plumbing and gas fitting permits by approximately 35%. These fee increases are projected to increase annual OCI revenues by approximately \$25,000.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Lambke moved that the Ordinance be placed on first reading. Motion carried 5 to 0. (Pisciotta, Knight; absent).

ORDINANCE

An Ordinance amending Sections 21.04.040 and 21.04.050 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; all pertaining to the plumbing code of the City of Wichita, Kansas, introduced and under the rules laid over.

MECHANICAL CODE

AMENDMENTS TO TITLE 22, MECHANICAL CODE.

Kurt Schroeder

Central Inspection Superintendent reviewed the Item.

Agenda Report No. 00-0854.

Fees for mechanical permits have not been adjusted for over fifteen years. During the review of the City's proposed 2001/2002 budget, it was recommended that mechanical permit fees be increased to better reflect the current cost of reviewing and issuing mechanical permits, and of performing required mechanical installation inspections. These suggested permit fee increases were recently authorized by the City Council upon adoption of the 2000 Revised and 2001/2002 Budget.

On July 5, 2000, the Board of Appeals of Air Conditioning, Refrigeration, Warm Air Heating and Boilers reviewed and discussed proposed mechanical permit fee increases, and unanimously recommended that the fee increases proposed in the amended ordinance be implemented.

For some time, there has also been discussion between staff and the mechanical industry as to the benefits of requiring all City of Wichita licensed mechanical contractors to file a surety bond with the City. After consultation with the City's Law Department to determine if such surety bonds are still necessary, since general liability insurance is now required for all contractors, staff and the Board of Appeals of Plumbers and Gas Fitters have unanimously recommended that the requirement to file a surety bond with the City be eliminated. In November, 1999, a similar surety bond requirement for City of Wichita licensed electrical contractors was repealed by the City Council.

The proposed changes are as follows:

Section 22.04.020: Amend this Section to increase mechanical permit fees as recommended by the Board of Appeals of Air Conditioning, Refrigeration, Warm Air Heating and Boilers. The proposed fee increases will increase the majority of mechanical permit fees by approximately 35%, and is the amount required to cover the costs of mechanical permit review, permit issuance, field inspection, and code enforcement services.

Section 22.04.240: Amend this Section to eliminate the requirement that licensed mechanical contractors file a \$2,000 surety bond with the City.

Upon adoption, the amended ordinance will increase the cost of most mechanical permits by approximately 35%. These fee increases are projected to increase annual OCI revenues by approximately \$25,000.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

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Motion -- carried

Cole moved that the Ordinance be placed on first reading. Motion carried 5 to 0. (Pisciotta, Knight; absent).

ORDINANCE

An Ordinance amending Sections 22.04.020 and 22.04.240 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; all pertaining to the mechanical code of the City of Wichita, Kansas, introduced and under the rules laid over.

PROPERTY ACQ.

DONATION OF PUBLICLY OWNED PROPERTY.

Cathy Holdeman

Administrative Services Director, reviewed the Item.

Agenda Report No.00-0855.

On February 12 000, staff presented a Proposed Redevelopment Incentives Report to the City Council. The Council, at its May 9, 2000 meeting, approved the recommendations, as presented. The Incentives Report proposed a number of recommendations with respect to revitalization of the inner city. These recommendations defined actions to encourage developers, property owners and others to invest in the inner-city area and to act on strategies to mitigate the barriers for revitalization.

The incentive recommendations focused on four categories: (1) Regulatory Barriers; (2) Leveraging Resources/Financial Incentives; (3) Enhanced Services; and (4) Marketing of Incentives. Under category (2), the Incentives Plan included a recommendation for providing appropriate funding for opportunity purchases, land assembly and assistance to developers in the inner-city area.

A new program, designed to demonstrate a commitment to attract new development within the inner city includes a land donation program.

The Redevelopment Incentives Plan recognized that there are significant barriers to inner-city revitalization. Therefore, the proposed program developed a specific listing of incentives/programs to encourage reinvestment in the neighborhoods, especially the redevelopment of vacant and boarded-up properties. Through this program, neighborhood revitalization can be encouraged by the disposition of City-owned properties.

In the past there has been limited interest in these sites by potential buyers; thus these properties have been difficult to market. Since vacant and unkempt lots can be a significant contributor to neighborhood decay and decline, it is proposed to make these properties (and other lots as they become available in the future) available to those who will make a commitment to build through a land donation program.

Under the program, the following criteria will govern the disposition of the City-owned property under the land donation program, the applicant:

- ? Must demonstrate the ability to initiate construction within six (6) months and pay administrative fee of \$100.
- ? Willing to immediately secure and maintain the property pending development;
- ? Shall Submit proposed use/design of the proposed development and receive a necessary approvals;
- ? Must Commit the property for home-ownership use;
- ? Agree to fulfill the obligations under the program or have the property revert to the City without encumbrances.

In addition to meeting the (above) criteria, it is proposed that preference be given to developers when an assemblage of land is involved to further the goals of the overall neighborhood improvement program.

The donation of land, combined with the various other incentives already approved and implemented, will further the City's goal of encouraging reinvestment in the inner city. The result should be an increase in home-ownership, improved neighborhood livability and an increase in the number of properties on the tax rolls in the inner-city.

The donation of land reduces potential revenues, which could be forthcoming from a sale, and initial property tax revenue. However, the future property tax revenues derived from redeveloped properties are anticipated to eventually offset this initial loss.

To encourage multi-development within neighborhood blocks, financial assistance could be considered from the Homeownership 80 Program, the Tax Rebate Program and a program (administered by Housing Services) with the Federal Home Loan Bank.

The City has the ability to convey property through donation.

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Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Rogers moved that the donation be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent).

(The following time-certain Item was taken up earlier in the meeting; action is shown in Agenda order)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Central Inspection Superintendent reviewed the Item.

Agenda Report No. 00-0856.

On August 1, 2000 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on two (2) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on September 12, 2000.

On July 5, 2000, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

<u>Property Address</u>	<u>Council District</u>
1. 2326 South Topeka	III
2. 4931 North. Salina	VI

2326 South Topeka

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the public hearing be closed, the recommended action be taken; the Resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 5 to 0. (Pisciotte, Knight; absent).

RESOLUTION NO. R-00-329

A Resolution finding that the structure located on Lots 28 and 30, on Topeka Avenue, Hilbish and Heitinger's Addition to Wichita, Sedgwick County, Kansas, commonly known as 2326 South Topeka, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent).

Council Member Rogers left the bench.

4931 North. Salina

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard.

Greg Nuessen

Greg Nuessen said he is waiting for a Sheriff's Deed and, until the Deed is received, he really doesn't own the property Mr. Nuessen requested an additional 90-days to meet requirements.

Motion --

-- carried

Cole moved that this item be deferred for 60 days to allow Mr. Nuessen to meet the requirements and report back to Central Inspection. Motion carried 4 to 0. (Pisciotte, Rogers, Knight; absent).

Council Member Rogers present.

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EATON PARKING

REQUEST FOR ANGLE PARKING IN FRONT OF EATON HOTEL BLOCK.

Terry Cassidy

Development Assistance Director reviewed the Item.

Agenda Report No. 00-0857.

MetroPlains Development, the Eaton Place developer, has requested that the parallel parking on the south side of the 500 block of East Douglas be changed to angle parking.

The proposal would be to restrict parking by signage or parking meters.

The purpose of the change is to provide more spaces than are currently available with parallel parking to serve the commercial businesses that will be located in the renovated Eaton block. The businesses are anticipated to be offices, shops, and service retail. Customers are expected to use doorside access which allows convenient drop-off and pick-up items at the businesses and offices. Off-street parking for the apartment tenants is being provided in the parking lot on the south side of the block and in the parking garage of the new structure south of the Eaton Hotel.

Staff has reviewed the impacts of "channeling down" traffic lanes to permit angle parking. To facilitate this transition, consideration was given to placing angle parking for two blocks, not just in the Eaton Block. However, this is not recommended at this time so the impacts of angle parking in the Eaton Block can be evaluated. Angle parking on Douglas will create some traffic flow concerns, especially when vehicles are backing-out of the parking areas. However, in the spirit of cooperating with the Eaton businesses, angle parking on this one side and in this one block is proposed for implementation. A trial period of six months is proposed for this evaluation and the traffic and parking impacts before any more permanent plan is implemented.

While the intention of MetroPlains is to provide doorside parking for customers of the commercial tenants, there is no guarantee that parking in this block would always be available for them even with restricted one-hour parking limits and/or meters. Strong parking enforcement will be necessary. If, after a six-month trial period this angle parking is retained, then Staff recommends that parking meters be placed to avoid employee parking and to ensure appropriate/timely turnover of customer parking.

Based on preliminary design, the number of parking spaces was estimated to increase from 9 to 24 in the 500 block of east Douglas. [The Council should be aware that by allowing this request for angle parking could prompt other similar requests, especially in the Old Town and East Douglas areas.]

The cost estimate to restripe Douglas and install the necessary Restricted Parking signage is estimated to be \$1,000; parking meters will cost an additional \$2,200.

City Council has the legal authority to change the parking configuration from parallel to angle parking.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard.

Rod Stewart

Rod Stewart, 501 Cow Drive, Commercial and Investment Real Estate Broker, said he is responsible for leasing the commercial space in Eaton Place projects. It is critical to the success of the businesses on Douglas that the parking spaces be increased – preferably by using angle parking. Mr. Stewart spoke against installing parking meters.

Motion -- carried

Rogers moved that the request be approved. Motion carried 4 to 1. Martz, no. (Pisciotte, Knight; absent).

SPECIAL EVENT

REQUEST OF AMERICAN GI FORUM OF KANSAS GREATER WICHITA METRO CHAPTER TO EXTEND HOURS OF EVENT.

Cathy Holdeman

Administrative Services Director reviewed the Item.

Gary Rebenstorf

Director of Law reviewed the current ordinance.

Agenda Report No. 00-0858.

The American GI Forum, comprised of Hispanic veterans, has taken a leadership role in planning a September Fiesta. The Fiesta is planned for September 15-17 at the Evergreen Complex. This same committee organized the Cinco de Mayo Fiesta in May. Organizers of the fiestas have requested permission to hold a public dance on Friday and Saturday of the event and festival hours be extended to 11:00 p.m. on those days.

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When the Fiesta Committee planned the Cinco de Mayo celebration this past May, it requested that festival hours be extended from 10:00 p.m. until 11:00 p.m. City staff responded by asking festival organizers to discuss the extension of hours (as included in the City Code) with adjacent neighborhood associations. The associations denied the request for the May event but stated that the time extension should be granted for the September Festival, if Cinco de Mayo presented no concerns.

Recently, the neighborhood associations have withdrawn support for extending the time for the September Festival. The Fiesta Committee is requesting the City Council consideration of this matter and extend the hours for the Fiesta event. It believes that the satisfactory conduct at May Cinco de Mayo provides evidence that this festival will be a quality special event.

Chapter 3.28 of the City Code requires a license for an outdoor public dance held by a non-profit organization at a location not on its own premises. The City Code provides that outside dances shall only be conducted between the hours of 7:00 p.m. and 10:00 p.m. Sunday through Thursday, and between 7:00 p.m. and 11:00 p.m. on Friday and Saturday. The City Code requires the application for an outside dance license and the location of the dance to be reviewed by the Police, Fire, Public Works and Central Inspection offices. The outside dance must meet all health, fire and safety code requirements before a license will be issued.

The City Code further specifies that the applicant for an outside non-profit dance must submit to the Chief of Police a written consent of the householders of properties affected by the dance. Such consent shall consist of the approval of a majority of householders living on both sides of the street, minimum distance of two hundred yards in each direction, measured from the location at which the dance is to be held. The City Code mandates that no dance shall be approved when the canvass of the area reveals less than a majority of consenting households.

Council Member Gale left the Bench.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard.

Paul Sanchez

Paul Sanchez, American GI Forum, Hispanic, and Native-American Coalition, stated that the request made to the City Manager's office on August 31st was an extension request based on the fiesta itself, and not particularly a dance. When a band is playing, people will dance. The original request was based on a positive outcome of the May 5th Cinco de Mayo, of which there were no criticisms.

Mr. Sanchez stated that in late August the Neighborhood Association withdrew support.

At the Friday night opening, (beginning at 6:00 with a large parade, at 7:30 with opening; and the band at 8:00 p.m.) there is a \$1,200 investment in a band from Kansas City, Missouri. The band playing for only two hours is a disappointment for his organization and the vendors. Every effort will be made to comply. Mr. Sanchez requested the hours be extended, especially on Friday night.

Paul Sanchez

Paul Sanchez stated that there was a willingness to try to seek a majority permission from citizens in the area.

Gary Rebenstorf

Director of Law, responding to a question, stated that the City Council does not have an option to grant a waiver, because it is a Citywide Ordinance. From what has been stated, Mr. Sanchez would be willing to solicit the consent that's required in order for the dance to go forward. The Ordinance provides that there has to be a license for the dance. Requirement of the License is OCI, Police, and Fire approval, in addition to the neighborhood. The process is to get the application on file, so OCI, Police, and Fire can make inspections in time for it to occur. Also to have in the hands of the Police Department the neighborhood consent so that they will know the provisions of the Ordinance have been followed. Once the requirements of the Ordinance have been met, the license can be issued for the dance that can go up until 11:00 p.m. on a Friday or Saturday night without any change in Ordinance or procedure.

Lola Howard

Lola Howard, Vice President of the North Bend River Association, speaking for the neighbors surrounding Schell and Evergreen Park, the North Neighborhood Association, North Riverbend, and North Chisholm, said there is no objection to the dance.

Originally, if everything went well at the May Cinco de Mayo Day, consideration would be given to having the September festival. At that time, the Park Board brought up that the dance would be shut down at 10:00 and the neighboring areas agreed to that if the same rules of the May Festival were followed.

Wendell Turner

Wendell Turner, president of the North Chisholm Neighborhood Association stated the Association has no objections.

Motion --
-- carried

Cole moved that the Item be received and filed; and the City Attorney give Mr. Sanchez the information needed to continue with the GI Forum permit process. Motion carried 4 to 0. (Gale, Pisciotte, Knight; absent).

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Council Member Gale present.

CITY COUNCIL AGENDA

RENTAL PROPERTY

RENTAL LICENSING, REGISTRATION OR INSPECTION STUDY. (REQUESTED BY COUNCIL MEMBER LAMBKE)

Vice Mayor Lambke

Vice Mayor Lambke reviewed the Item.

Agenda Report No. 00-0859.

Due to complaints being made regarding the condition of some residential rental properties within the City of Wichita, Councilman Lambke is requesting the Council to study the feasibility of requiring residential rental property to be licensed by the City of Wichita and requiring annual or periodic inspections of all residential rental property.

A number of municipalities, including Kansas City, Kansas, require owners of rental property to obtain rental licenses for all residential rental property. These ordinances require such property to be maintained to the standards set out by the city's housing and health codes. Periodic inspections are required, and if the property has severe or a large number of violations, the landlord will be required to correct the violations, or be subject to revocation of the rental license.

Currently, all rental property is required to be maintained in accordance with the housing and health codes of the City of Wichita. Implementation of a licensing scheme will allow housing and health inspectors the right to inspect property on a more frequent basis, additional means to respond to citizens complaints about the conditions of housing and a method to require compliance on behalf of landlords or face revocation of the license.

There will be no costs associated with the study. If the plan is implemented, there will be additional staffing and administration costs, which would need to be considered by the council.

Kurt Schroeder

Central Inspection Superintendent said the City has had a minimum Housing Code in effect (since 1960) which governs life, safety and dwelling units, and does address, to some degree, esthetic items like painting, etc. There are between 100,000-135,000 dwelling units in the City of Wichita governed by the Code. Estimates from census data and other things looked at in the past would indicate that at any given time, there might be from 15,000-18,000 of the units that are not in compliance with the minimum housing code. Staff, until about four to five years ago, responded primarily to just complaints from a neighbor of a declining or property or maybe a tenant in a property about the conditions.

Since the neighborhood initiative (four or five years ago) Staff have become much more proactive and the caseload has drastically increased. About 1,800-2,000 minimum Housing Code cases are opened annually. It is estimated that about 30 percent might have some kind of a housing code problem.

An Environmental Court or a Neighborhood Court has been instituted that has become very active over the last few years and Central Inspection has become more aggressive in terms of referring cases to those courts. In 1992 or 1993, 60 to 70 housing code compliance cases have been taken to those courts each year. In 2000, from January through August, about 425 housing code compliance cases have been sent to the Neighborhood Courts, so there is an active enforcement going on.

Some of the problems encountered are on vacant structures - maybe structures that are not so bad that they would be condemned under state law, but often those are the structures that are owned by out-of-state or out-of-county property owners. It is very difficult, under current law, to get people to take action or to come to environmental court to get the repairs made. It is estimated that with an active case load of 3,000, perhaps 10-15 percent might be owned and/or managed by someone that resides out of this county or state, and sometimes those are very difficult to get the desired action. Sometimes there is a problem getting into the units.

For the most part, Staff would agree that most of the property owners and landlords in this City do a fairly good job. There are a lot of units in very good condition that are well maintained. But, there is certainly a percentage that do not maintain their property and drag down the neighborhood. Probably 10-12 percent, or less, of the owners cause the problems.

Some of the challenge is how to contact the out-of-county owners. There's been discussion, in the past, about somehow requiring an out-of-state or out-of-county property owner to register, for example, a local agent so that in their absence someone else will take care of their property and could be cited in court.

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Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard.

Frank Schoffler

Frank Schoffler, President of Rental Owners, stated that the Neighborhood Reinvestment Corporation asked him to assist them in this matter. Mr. Schoffler said that, maybe, tenants should be licensed instead of landlords. It should be made easier to weed out bad tenants. It can take months to go county-by-county to check on a tenant. Also, citizens are getting older, income has a tendency to diminish, and needs increase. The housing is growing older also, and in some of these areas, when the elderly no longer need them, the houses are pretty depressed and require a lot of up-keep. Instead of calling them opportunity areas, we call them target areas. Mr. Schoffler concluded that, as a group, they would like to work it out, but the group is totally opposed to going over the same thing again and again. Registering landlords is not the solution.

Gary Hefley

Gary Hefley stated he had been a landlord and property manager over 30 years. Inspection of rental property and/or licensing of landlords is detrimental to the well being of the City of Wichita and, in particular to the Midtown area for the following reasons:

- 1) It is a violation of privacy rights of both the tenant and the landlord, unless there is reasonable cause to believe there is criminal activity on the property, in which case a search warrant can be issued. There are enough current laws to require inspection of any property believed to be a hazard.
- 2) If the City does inspect the property and passes it to be safe, and the property is later consumed by fire (for instance), and someone is killed or injured. The City would be liable for damages.
- 3) According to MAPC reports, three years ago, approximately 44 percent of all residential property in Wichita is rental property. In the Midtown area, that percentage would be over 50 percent. Every dollar spent on government expenses such as taxes, inspection fees, and licenses, must be passed on to the tenant or must be consumed by the owner rather than being spent on property improvements.
- 4) If rental property requires inspection, owner occupied properties must also be inspected or the City is asking for a class-action suit for discrimination against tenants and landlords.
- 5) There are not enough inspectors to inspect over half of the houses in Wichita. In other areas of Kansas, the landlord pays the inspection fee but the property is not inspected because cities do not want to issue letters of compliance for legal reasons.

The City could provide tax incentives, assistance with eviction of bad tenants, and low interest loans for improving older properties.

Connie Pearl

Connie Pearl, 3309 East Mt. Vernon, Vice-President of the Rental Owners, Inc., representing over 100 landlords that own from three to over 300 pieces of property, said she has attended all the community meetings where the license issue was brought up before the planning commission, and has spoken, as have several hundred landlords, real estate agents, to this issue at that time. Mrs. Pearl said another agency is not needed. This issue has been studied to death. The inspection fees would have been passed on to tenants who cannot afford more expenses.

Donna Davidson

Donna Davidson, regarding finding people out-of-town or even out of the country, said one of the ways to get addresses is to go through County Clerk or neighbors. There may be a need to find an expert in finding people. If someone is taking care of a rental, that person could divulge the owner; give the notices, and ask the rental manager to forward the information.

Council Member Cole

Council Member Cole stated that it has taken her up to four years to locate ownership on properties because the state law allows three years for people not to pay their taxes. Often, the property goes to auction so the ownership may hide behind a management company or a P.O. Box. Going to the County Clerk's Office simply does not work on some of the worst properties. So, for three years, properties are either vacant or filled and falling apart and no one is responsible.

Clark Lindstrom

Clark Lindstrom, 138 North Prescott Court, representing himself, the Peterson Company, and the local chapter of Real Estate Management, stated that people should be aware that focus groups were conducted, from June through the summer, exploring ways the City can be more effective in serving neighborhoods through improved nuisance and housing code enforcement. A copy can be obtained from the City Manager's Office. There were 17 ideas brought up from those focus groups. One of the issues would be to direct City Staff to develop state legislation for fines, taxes, or liens to be assessed against owners who fail to bring properties up to code compliance; or establishment of local code enforcement boards to issue and levy penalties against property owners. All types of property, not just rental properties, but also commercial and single family. All types of property owners who allow their properties to be in non-code compliance.

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Another issue would be a feasibility study on code update; and a review, as well as, establishment of a rehab housing code.

Also suggested would be a compliance study for the combining of all City resources to cover all violations pertaining to codes, both nuisance and health. Resources need to be pooled to address vacant properties and finding owners.

Rental problems are a small percentage compared to single family, single-owner properties.

The City should also look at establishing more community policing-like relationships within the City neighborhoods, City compliance-education programs for property owners and landlords, and some type of study to implement programs and educate landlords on how to improve and upgrade properties, and to figure out ways on how not to increase the costs of housing. There is no question that rental inspections will cause fees.

Ken Holmes

Ken Holmes, landlord, encouraged the City to find ways to communicate with other counties or the state to remedy the problem of location of property owners.

It is important to have a good Central Inspection system. The City has a lot of regulations. Properties can be inspected without permission, without notification, and owners can be taken to court. Mr. Holmes said there is a tremendous amount of appropriate power in that area

Mr. Holmes also encouraged the City to talk to judges and have them encourage people to join the Landlords Association.

Kevin Kimbel

Kevin Kimbel, President of Partners for Responsible Neighborhoods, said comments that would be constructive toward improving housing would include:

1) Restore the old rental rehab program, which provided for a rebate of up to 50 percent of the improvement costs of rehabilitating older structures, primarily within the target zone. This allowed owners to move into and to do significant improvements that would have lasting quality on the homes, such as replacing furnaces, roofs, and driveways, repairing foundations, upgrading electrical and plumbing systems, etc. The program was highly effective, but it has been, basically, gutted by the Commission, and by the advisory boards that pertain to housing.

Mr. Kimbel stated that he has spoken to those boards about the restoration of the rental rehab program in its initial form and, thus far, has not seen the money returned to the use for which it was first made available - restoration of the rental rehab program. It is not a give-away. In the initial years, it was a grant. Later, it became a zero-percent interest loan that would be repaid when the property was sold. Initially, in the grant form, there were economic limits. The grant was limited to \$5,000 per rental unit, with an additional qualifying amount for energy-efficient items that could have been added to the home at that time. The benefit was spread around and many landlords would have the opportunity to improve their property.

The number of trained repair people coming from our high schools and vocational system needs to be increased. This is a tremendous field for skilled people who are willing and able to work and know what they're doing. Basic trades need to be reaffirmed and the people going through junior high and high schools need to be encouraged by letting them know that housing, construction, and carpentry are legitimate and productive businesses. Vocational training could be expanded to provide a solid grasp of plumbing, heating, carpentry, painting, decorating, etc.

2) Regarding houses that are falling down, there is currently a board-up policy that allows for houses that stand vacant to be boarded, and the cost to be levied against the property. If the owner property owner cannot be found, the property resident could be given 60 to 90 days notice to vacate the problem property. If the property is really in that condition, the tenant should not be living in the structure. As soon as the property is vacated, the house could be boarded up and the owner could have that expense added to their tax bill. For weed and health problems, the Health Department is very efficient in sending the notices out and seeing that the property is cleaned up and the expense is added to the property taxes.

Motion --
-- carried

Martz moved that the study be approved and the issue referred to the District Advisory Boards. Motion carried 5 to 0. (Pisciotte, Knight; absent).

Council Member Martz left the bench.

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PARKING ORD.

AMENDMENTS TO PARKING ORDINANCE. (REQUESTED BY COUNCIL MEMBER LAMBKE)

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 00-0860.

Due to complaints regarding commercial and recreational vehicles being parked in residential areas, staff was asked by Councilman Lambke to draft amendments to the parking ordinances which prohibit commercial and recreational vehicles from being parked on the street in residential areas for periods in excess of two hours.

The proposed amendments update a number of definitions in the traffic code and adopt the definitions provided for by the state statutes.

The amendments prohibit vehicles that are used for commercial purposes from being parked in residential areas for longer than two hours. Vehicles that have a gross vehicle weight of 12, 000 pounds or more and are used for commercial purposes are prohibited from being parked on the street in residential areas for more than two hours. Commercial vehicles with a gross weight of less than 26,000 pounds are allowed, by the zoning code, to be parked in the driveways of residential areas.

Motorized recreational vehicles are prohibited from being parked on the street for more than two hours. Detached travel trailers are expressly prohibited from being parked on the street for any period of time pursuant to Section 11.52.060(b).

The amendments also prohibit vehicles from being parked on the same side of the street for more than two hours in the core area and in limited parking zones. The ordinance requires that all periods of time that a vehicle is parked in these areas be considered in determining if a violation of the two-hour period has occurred. This is to prohibit situations where vehicles were moved a few feet every two hours to avoid the provisions of the ordinance.

Amends parking ordinance to prohibit commercial and recreational vehicles from being parked on the street in residential areas for periods in excess of two hours.

Vice Mayor Lambke

Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the Ordinance be placed on first reading.

Subst. motion --
-- carried

Gale moved a substitute motion that the Item be deferred for two weeks. Substitute motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

No appointments were made.

DELEGATE SELECTION SELECTION OF LEAGUE DELEGATES.

Cathy Holdeman

Administrative Services Director reviewed the Item.

Agenda Report No. 00-0861.

The Kansas League of Municipalities 92nd Annual Conference will be held in Topeka on October 7-10, 2000. The conference is an opportunity for City staff and elected officials to gain additional knowledge and exchange ideas for the governance and management of municipal operations.

The Kansas League of Municipalities Annual Conference invites each city's governing body to register its League voting delegates. State laws provide that the governing body of each member city of the League may elect delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League. Article 4, Sec. 4 of the League Bylaws prescribes the total number of votes provided to each member city based on population. The City of Wichita, based upon its population, have 11 votes to cast. The Bylaws also limit the total number of delegates per city to a maximum of 5 voting delegates and 5 alternate voting delegates. The City may elect one or more delegates to cast its 11 votes.

The City will follow State Law and the Kansas League of Municipalities Bylaws for the selection of delegates.

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Motion -- Lambke moved that the City Manager be approved as voting delegate. Motion carried 5 to 0. (Pisciotta, Knight; absent)
-- carried

(The City Council returned to this Item following Executive Session.)

Motion -- Cole moved that this Item be reconsidered. Motion carried 5 to 0. (Pisciotta, Knight; absent)

Motion -- Cole moved that Mayor Knight be approved as the voting delegate and City Manager Cherches be approved as voting delegate alternate. Motion carried 5 to 0. (Pisciotta, Knight; absent)
-- carried

PROCLAMATIONS

PROCLAMATIONS:

There were no proclamations considered.

CONSENT AGENDA

Cole moved that the Consent Agenda, except Item 24 c, be approved in accordance with the recommended action shown thereon. Motion carried 4 to 0. (Martz, Pisciotta, Knight; absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 11, 2000.

Bids were opened August 25, September 1 and September 8, 2000, pursuant to advertisements published on:

Gypsum Creek Bikepath along Gypsum Creek and the Kansas Turnpike - south of Pawnee, east of Oliver. (87 TE-0074-01/472-82654/706267/405180). District III)

Ritchie Paving - \$373,802.88

Water distribution system to serve Industrial Air Center Second Addition - north of 37th Street North, west of Webb. (448-89222/734981/470651) Does not affect existing traffic. (District II)

Mies Construction - \$26,859.00

K-96 & I-135 Fishing Lake Parking Lot - K-96 & I-135. (472-82972/785899 /399121) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$100,112.00 (Base bid with add alternate 2)

2000 Sanitary sewer reconstruction, Phase 3 - in Emporia, south of 17th Street North. (468-83145/620290/660415) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wildcat Construction - \$18,830.00

Mount Vernon from the east line of Lot 26, Block 3, to the east line of Lot 3, Block 5; Longlake Street from the north line of Mount Vernon to the east line of Lot 10, Block 6, and; Mount Vernon Court from the north line of Lot 27, Block 3, Smithmoor 9th Addition, south to and including the cul-de-sac to serve Smithmoor 9th Addition - south of Harry, west of Greenwich. (472-83108 /765635/490746) Does not affect existing traffic. (District II)

Kansas Paving Company - \$105,316.75

Lateral 78, Sanitary Sewer 23 to serve Industrial Air Center Addition - north of 37th Street North, west of Webb. (468-82230/743851/480539) Does not affect existing traffic. (District II)

Mies Construction - \$23,666.00

Butler, from the east line of K-15 Highway to the west line of Clifton to serve Butler's, Craig's & Hummel Additions - south of 31st Street South, east of K-15. (472-83080/765580/490691) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$115,729.00

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Lateral 32, Main 1, Cowskin Interceptor Sewer to serve Unplatted Tracts - north of Maple, west of Lark. (468-83083/743835/480523) Traffic to be maintained during construction using flagpersons and barricades. District V)

Padgett Excavation - \$7,250.00

Lateral 461, Southwest Interceptor Sewer to serve Evergreen & Evergreen Second Additions (north of 21st Street North, west of Maize Road) (468-83147/743850/ 480538) Does not affect existing traffic. (District V)

WB Carter Construction - \$49,426.00

Water Distribution System to serve Evergreen & Evergreen 2nd Additions - north of 21st Street North, west of Maize Road. (448-89489/734980/470650) Does not affect existing traffic. (District V)

WBW Contractors - \$60,365.00

Water Distribution System to serve Forest Lakes Addition - north of 29th Street North, west of Ridge. (448-89022/734982/470652) Does not affect existing traffic. (District V)

Mies Construction - \$21,500.00

Storm Water Sewer 540 to serve Butler Addition (south of 31st Street South, east of K-15) (468-83151/660456/850102) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$121,903.00 (Negotiated to Engineer's estimate)

Cole moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Courtyard Power & Lighting/Pedestrian Bollards for Farm and Art Market. (792315)

Barkley Construction - \$72,250.00 (Total net bid)

PARK DEPARTMENT/MAINTENANCE DIVISION: Landscape Mulching on Kellogg. (796681)

Natural Treesource Inc. - \$33,137.00 (Total net bid)

FINANCE DEPARTMENT/DATA CENTER DIVISION: Intranet Hardware. (035105)

FA Systems DBA Micro World - \$12,215.00 (Total net bid)

PARK DEPARTMENT/GOLF COURSES DIVISION: Grass Seed. (170282)

Pueblo Chemical & Supply DBA United Horticulture - \$16,400.00 (Group 1/total net bid)

BWI Springfield - \$10,899.72 (Group 2/total net bid)
\$23,189.60 (Group 3/total net bid)

FINANCE DEPARTMENT/DATA CENTER DIVISION: Oracle License & Support. (792337)

Software House International - \$221,830.00 (Total net bid)

FINANCE DEPARTMENT/DATA CENTER DIVISION: Servers. (792337)

SMAC Data Systems Corp - \$79,172.16 (Total net bid)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: HVAC and Architectural Modifications for the Health Department Tuberculosis Clinic. (792310)

Bauer & Son Construction Co., Inc. - \$39,900.00 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Drilling Three (3) Replacement Wells. (631101)

Clark Well & Equipment, Inc. - \$157,438.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Roof Replacement at Wichita Indochinese Center. (601109)

Arambula Construction - \$20,300.00 (Lump sum total)
\$ 3.00* (Total per sq. foot/option 1)
\$ 1,500.00 (Total/Option 2)

*Not to exceed \$1,500.00

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Roof Removal and Replacement at Various Residential Sites. (097804)

Larry Booze Roofing Inc. - \$19,268.40 (Group 1/total net bid)
\$22,616.40 (Group 2/total net bid)

Cole moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

LICENSE APPS.

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

Adult Entertainment – New

Norman Massey Jr. ZigeFields 4200 West Kellogg Drive

Motion --
-- carried

Cole moved that the license be approved subject to Staff approval. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Michael L. Consolver	McDonald Golf Course Snack Bar*	840 North Yale
		<u>(Consumption off Premises)</u>
P.D. Bairrington	Town West 66 #27222	4414 Maple Street
P.D. Bairrington	Crossroads 66 #27080	7136 West Central
P.D. Bairrington	Expressway 66 #27904	3311 North Rock Road
P.D. Bairrington	North Seneca 66 #27645	515 North Seneca Street
P.D. Bairrington	Reflection Ridge 66 #27754	7236 West 21st Street
P.D. Bairrington	Lynncrest 66 #26635	1250 South Rock Road
P.D. Bairrington	Tyler 66 #27747 1254 South Tyler	
P.D. Bairrington	Williamsburg 66 #27216	1350 North Oliver
P.D. Bairrington	Mount Vernon 66 #27981	2001 South Oliver
P.D. Bairrington	Broadway 66 #27375	4821 South Broadway
Benjamin J. Schultz	T & E Oil Co., Inc. 3935 North Broadway	
John G. Wylie	Wyl-Mac Corporation	801 South Oliver
	dba HELLO CSS #116	
Syed Abbas Rizvi	A-R Inc., dba Petro America	2700 North Amidon
<u>Special Events</u>	<u>September 15-17, 2000</u>	
Ricardo G. Moreno	American G.I. Forum-Mexican	2601 North Arkansas

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Independence Day Fiesta

September 23, 2000

Dennis Schade

Old Town Chili Cookoff

800 East Waterman

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Cole moved that the license be approved subject to Staff approval. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Plans and Specifications considered.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

- a) Pawnee and Oliver intersection reconstruction to provide left turn lanes on Oliver - Pawnee and Oliver. 87 N-0092-01/472-82910/706800/634725/208255/544127) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$1,026,120
- b) 2000 contract maintenance area concrete reconstruction Phase B - north of 31st Street South, east of Broadway. (/132282_2/) Traffic to be maintained during construction using flagpersons and barricades (District III) - \$300,000
- c) 2000 contract maintenance thermal crack joint repair Phase 3 - at various locations. (/132282_3/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II and V) - \$200,000
- d) Storm Water Sewer 195 - Phase I to serve Wiedmann Business Park - south of Kellogg, west of Greenwich. (468-80969/751283/485174) Does not affect existing traffic. (District II) - \$155,000
- e) Lateral 395, Southwest Interceptor Sewer to serve Newmarket Square Addition north of 21st Street, west of Maize Road. (468-82818/743849/480537) Does not affect existing traffic. (District V) - \$50,000
- f) Bedford/Killarney/Ritchfield, from the south line of Lot 57, Block 1, to the south line of Lot 14, Block 4; Bedford, from the north line of Killarney to the north line of Lot 63, Block 1; Bedford Court, serving Lots 16 through 24, Block 3; and Sidewalk on the east, south, and west side of Bedford/Killarney/Ritchfield to serve Balthrop Addition - north of Central, east of Greenwich. (472-83031/765639/490750) Does not affect existing traffic. (District II) - \$378,300
- g) Water distribution system to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (448-89398/734967/470637) Does not affect existing traffic. (District II) - \$71,000
- h) Sanitary sewer relocation at 13th and Yale to serve Yale Heights Addition - north of 13th Street North, east of Hillside. (468-82646/621458/533256) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$90,000
- i) (Amended) Constructing I-235 Corridor Landscaping - I-235, Zoo to North Broadway - total estimated cost - \$291,000

Motion --
carried

Cole moved that the Preliminary Estimates be approved and filed. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

EASEMENT

UTILITY EASEMENT FOR SANITARY SEWER AND LIFT STATION. (District V)

Agenda Report No. 00-0862.

The City of Wichita installs sanitary sewers and constructs lift stations within public easements.

This easement is for the construction of a 21" sanitary sewer and lift station that will serve a large portion of the northwest portion of the City.

Motion -- carried

Cole moved that the Easement be received and file. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

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STATEMENT OF COST STATEMENT OF COST.

(Amended) Improving Lateral 38, Main 15, Southwest Interceptor Sewer to serve an unplatted tract - north of 21st Street North, east of Ridge Road. Total Cost - \$24,699.83 (plus idle fund interest - \$650.50, less other revenue - \$836.55, plus temporary note interest - \$687.50). Financing to be issued at this time- \$25,163.45. (743801/468-82995/480-489)

Motion --
-- carried

Cole moved that the Statement of Cost be approved and filed. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

STREET CLOSURES 2000 WALKING TOUR.

Agenda Report No. 00-0863.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The Historic Midtown Citizens Association will host its 2000 Walking Tour Saturday, October 14 and Sunday October 15. The featured homes on the tour are located in the 1200-1300 blocks of North Emporia. It is anticipated that nearly 1,200 people will tour the homes. The HMCA requests the following street closure for the event:

Close Emporia, between 12th and 13th streets,
Saturday, October 14 from 10:30 a.m. – 5:15 p.m.
Sunday, October 15 from 11:30 a.m. – 5:15 p.m.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

-- carried

Cole moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

STREET CLOSURES EVERGREEN PARK-DIEZ Y SEIS DE SEPTIEMBRE FIESTA

Agenda Report 00-0864.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The American GI Forum, as a member of the Fiesta Committee, will host a September Festival on September 15th through the 17th. The Fiesta will include a parade on Friday, September 15th beginning at 6:00 p.m. The American GI Forum and the other members of the Fiesta Committee request the following street closures for this event:

Close Arkansas from 15th Street to 25th Street from 6:00 p.m. to 7:30 p.m.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

-- carried

Cole moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

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STREET CLOSURES

STREET CLOSURE: WEST STREET AT ZOO BOULEVARD (District VI)

Agenda Report No. 00-0918.

The Central Kansas Railway has identified a broken rail in the crossing of West Street at Zoo Boulevard. The Railroad installed a temporary repair Monday, September 11th and has built a replacement panel for the crossing area. Because of the danger of derailment, the Railroad is requesting the approval of a 2-3 day Closure of West Street at this crossing beginning at approximately 8:30 a.m. Wednesday, September 13th through Friday, September 15th.

Although the Railroad has installed a temporary brace at the broken rail location, rail safety requires a permanent repair as soon as possible.

During the Closure, West Street traffic will be detoured using Zoo Boulevard and 13th Street. The Railroad is responsible for construction barricades, detour signing and notification of affected businesses and residents.

Motion -- carried

Cole moved that the street closure be approved. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

CHANGE OF USE CODE CONSULTANT CONTRACT FOR DEVELOPMENT OF A CONSTRUCTION REHABILITATION AND CHANGE OF USE CODE.

Agenda Report No. 00-0865.

On February 1, 2000, Staff presented to the City Council 50 recommendations for redevelopment/revitalization of Wichita's core area. These recommendations focused on four categories: (1) Regulatory Barriers; (2) Leveraging Resources/Financial Incentives; (3) Enhanced Services; and (4) Marketing of Incentives. On May 9, 2000, Staff presented to the City Council more detailed action plans and implementation strategies for 17 "Priority 1 Recommendations", which the City Council approved.

One of the key "Priority 1 Recommendations" in the Regulatory Barriers category included development and implementation of a "Rehabilitation/Change of Use" construction code which clearly outlines minimum standards and expectations for remodeling, expansion and/or adaptive re-use of older, existing buildings. Such a code will provide much more flexibility and predictability for owners, developers and designers of such projects, and will greatly enhance and encourage rehabilitation and redevelopment of older buildings in Wichita.

On July 18, 2000, the City Council authorized the use of Community Development Block Grant (CDBG) funds in an amount up to \$25,000 to hire a consultant to assist in development and implementation of a "Rehabilitation/Change of Use Construction Code" for the City of Wichita, after publication of a 30-day public comment period. No public comment was received, and staff has proceeded with selection of a consultant.

On July 20, 2000, a Request for Proposal was published in the Wichita Eagle, posted on the internet, and mailed to a number of national code consultant companies. Proposals were accepted through August 18, 2000. On August 22, 2000, a Staff Review Committee reviewed proposals and recommended that Melvyn Green & Associates, Inc. of Torrance, CA, be awarded a contract in the amount of \$21,000 to assist Wichita in the development and implementation of a "Rehabilitation/Change of Use Construction Code". Of the possible highest score of 150 points, the Staff Review Committee awarded Melvyn Green & Associates 149 points, based on the firm's background and knowledge of the subject matter, work on similar projects, ability to perform the task within approximately 120 days, and reasonableness of costs.

The contract amount is \$21,000, including travel. Funding in an amount of up to \$25,000 from CDBG funds has been approved by the City Council for these consulting services.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

KDOT AGMT.

CONSTRUCTION ENGINEERING AGREEMENT FOR PAWNEE AND OLIVER INTERSECTION. (District III)

Agenda Report No. 00-0866.

The intersection of Pawnee and Oliver was included in the 1998 Capital Improvement Program as part of the Intersection Reconstruction Program, which was approved by the City Council on June 23, 1998. The project is

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financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On May 25, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

The project consists of constructing left and right turn lane improvements, upgrading traffic signals, and landscaping.

KDOT will reimburse the City for 65 percent of the cost for construction engineering services, which has an upper limit of \$75,003.41.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

(Agenda Item No. 24c)
SETTLEMENT

SETTLEMENT AGREEMENT.

This Item was pulled from the Agenda.

PERMIT AGREEMENTS **PIPELINE ENCROACHMENT PERMIT AGREEMENTS FOR HIGHLAND SPRINGS SECOND ADDITION – SOUTH OF CENTRAL, WEST OF 135TH STREET WEST.** (District V)

Agenda Report No. 00-0868.

On September 29, 1999, the City Council approved paving, sanitary sewer, storm water sewer and water system petitions for Highland Springs 2nd Addition, a new residential development. Part of the paving, sewers and waterlines will cross Koch Pipeline Company right-of-way.

Agreements have been prepared to allow the City to construct and maintain paving and pipelines within the Koch Company right-of-way.

There is no fee for the Permit Agreements.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

ELEVATED TANKS

ELEVATED POTABLE WATER STORAGE FACILITIES SITE SELECTIONS CONTRACT.

Agenda Report No. 00-0869.

The City of Wichita provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs are met, the Water and Sewer Department initiated a study of its water system. The Water Master Plan was completed in November 1999, and a number of significant improvements were recommended to ensure adequate service levels now and in the future.

One recommendation was for additional elevated storage facilities in the northeast and northwest portions of the system. These tanks are needed to provide additional volume during maximum-hour use and to stabilize pressures in the northeast and west portions of the City's water system. The storage facility in the northeast portion of the City is to be constructed in 2003, and the facility in the northwest proposed for construction in 2008.

A Request for Proposals (RFP) for a site selection study was issued in April of this year. Five firms responded and the Staff Screening and Selection Committee reviewed the proposals.

Criteria for selection included:

- ? approach to project
- ? work schedule
- ? staff assignments to the project
- ? man-hours and fee proposals
- ? performance accomplishments on projects of similar nature and size, with references
- ? knowledge and expertise

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Based on the proposals received, the Committee recommends Black and Veatch Corporation.

The Water Capital Improvement Program (CIP W-811) budget is \$1,750,000 for 2001. The cost for this study will be \$50,000.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

EMP. RECRUITMENT

RECRUITMENT SERVICES CONTRACT – MUNICIPAL COURT.

Agenda Report No. 00-0870.

The Municipal Court Administrator resigned August 31, 2000. In previous recruitment efforts, the City's Personnel Office had a difficult time attracting and recruiting qualified and experienced applicants for this position. Therefore, it is proposed that a recruitment search firm be used to assist in finding an experienced and qualified court administrator.

City Staff has solicited proposals from three search firms who specialize in executive search recruitment in the public sector. From that solicitation, the City received only one proposal for this service from David K. Wasson, Management Consulting.

Mr. Wasson formerly with the Oldani Group and now with his own firm, is an experienced recruitment professional having worked in the field for over 20 years. The firm will be responsible for developing a recruitment position profile, assisting with recruitment/advertisement, identifying appropriate candidates, providing background and reference checks, and assisting with the interview process as necessary.

Mr. Wasson's fee for recruitment is \$15,000, plus the expenses associated with recruitment (i.e. brochure printing and mailing). Funds are available from Municipal Court's operating budget to offset the recruitment and selection costs.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

LEGAL SERVICES

AMENDMENT TO AGREEMENT WITH GRACE, UNRUH AND PRATT.

Agenda Report No. 00-0871.

The City has retained Grace, Unruh & Pratt, L.C. to provide legal services in connection with pending employment litigation.

The original contract in June 2000, provided for compensation not to exceed \$9,999.00. It has become necessary to spend additional sums to continue the representation of the City and its employees in this matter. This will be the first amendment to the original contract.

The additional sum covered by the Amendment is \$35,001.00 as necessary to continue to represent the City and its employees in the pending litigation. The charges are reasonable in amount for the legal services involved. Payment will be from the Tort Liability Fund.

The appropriate means to approve the additional payment is an Amendment to the original contract and raising the expenditure limit.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

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MEAD IMPROVEMENT SUPPLEMENTAL AGREEMENT FOR MEAD, FROM DOUGLAS TO FIRST STREET. (District VI)

Agenda Report No. 00-0872.

On August 26, 1997, the City Council approved a project to improve Mead from Douglas to First Street. On November 18, 1997, the City Council entered into an agreement with Savoy, Ruggles & Bohm, P.A. (SRB) to design the improvements for a fee to \$29,500.

The project consists of paving Mead and three alley approaches with existing brick pavers from Douglas to First Street, providing 36 to 37 concrete parking spaces on the east side, landscaping, trash enclosures, elevated board walk, surfacing sidewalks with decorative brick or bricklike pavers, and an archway at Douglas on Mead.

On September 22, 1998, the City Council approved Supplemental No. 1, which required SRB to design pavement repair for Rock Island, south of First Street as a part of the Mead project.

City staff asked SRB to design a boardwalk on Mead. Supplemental Agreement No. 2 has been prepared.

Payment will be on a lump sum basis of \$3,650, and will be paid by special assessments.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

SANITARY SEWER SUPPLEMENTAL AGREEMENT - SANITARY SEWER MASTER PLAN.

Agenda Report No. 00-0873.

The Environmental Protection Agency (EPA) recently released draft regulations concerning overflow occurrences from municipal sanitary sewer collection systems. The proposed regulations would place the burden of proof on municipalities. EPA regulations would prohibit any sanitary sewer overflows (SSOs) or bypasses to occur, prior to reaching the headworks of a treatment facility. The only allowable occurrences would be those for which it could be proven that the discharge was caused by severe natural conditions, or was "unavoidable despite proper management, operation and maintenance of the system."

The development of a dynamic sewer model will provide a powerful tool for demonstrating that the Water and Sewer Department performs "proper management, operation and maintenance" of its sanitary sewer collection system. As a secondary benefit, the dynamic model will provide a valuable resource for assisting in making decisions about alternative methods of service in localized areas of the sanitary sewer collection system. Thirdly, the model will provide the ability to observe the dynamic impact on the downstream system of increased flows contributed by newly developing areas.

The 2000 Sanitary Sewer Master Plan Update did not require the type of modeling sophistication described above. The Master Plan involved evaluation of the major sanitary sewer collection lines in conformance with KDHE minimum design standards. The analysis included comparing projected instantaneous peak flows against the calculated carrying capacities of selected segments of sewer line. For the purposes of evaluating impacts over a 50-year planning period, this method provided the required information at the least cost to the City. The level of detail associated with a dynamic computer model of the entire collection system was not necessary to meet the goals of the Master Plan.

PEC delivered the final draft of the 2000 Sanitary Sewer Master Plan Update. They have the most intimate, up-to-date knowledge of the sanitary sewer collection system of any consulting firm at this particular time. The City can take advantage of the comprehensive system knowledge by authorizing PEC to utilize that knowledge in the development of a dynamic sewer model.

The Sanitary Sewer Master Plan (CIP S-508) has a remaining budget of \$207,423. The cost for this study will be \$193,900.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

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PROJECT ACCESS

PROJECT ACCESS CONTRACT RENEWAL.

Agenda Report No. 00-0874.

On June 1, 1999, Dr. Paul Uhlig and Dr. Michael Bates made a presentation to the Wichita City Council on Project Access, a program that links physicians, social service agencies, hospitals, clinics, and area pharmacies to address the needs of uninsured low-income residents.

The Project received funding commitments from the United Way and Sedgwick County, and a similar request was made of the City. A contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) was developed and approved by the Council at its September 28, 1999 meeting.

The City of Wichita receives federal Community Services Block Grant (CSBG) funds for services to low-income persons. The Project Access contract allowed the use of \$250,000 in CSBG funds for physician-authorized medications and durable medical supplies. This contract has been in effect since September of last year but expired on August 31, 2000. However, the contract has a renewal clause and a contract amendment that renews the contract under the same terms and conditions through August 31, 2001 has been developed.

No local funds are requested for the program.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR WOODLAKE SECOND ADDITION – NORTH OF DOUGLAS, EAST OF SHERIDAN. (District IV)

Agenda Report No. 00-0875.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in Woodlake 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR LEGACY PARK WILSON ESTATES ADDITION – SOUTH OF 21ST STREET, WEST OF WEBB ROAD. (District II)

Agenda Report No. 00-0876.

The City Council approved the project on June 13, 2000.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Legacy Park Wilson Estates Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$12,000, and will be paid by special assessments.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR WATER DISTRIBUTION SYSTEM NO. 448-89424 – SOUTH OF 63RD STREET SOUTH, WEST OF ARKANSAS RIVER. (District III)

Agenda Report No. 00-0877.

The City Council approved the project on March 21, 2000.

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The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for designing a Water Distribution System to serve an area south of 63rd Street South, west of the Arkansas River. The Staff Screening & Selection Committee selected SRB for the design on July 27, 2000.

Payment will be on a lump sum basis of \$58,900, and will be paid by special assessments and Water Utility.

Motion --
-- carried

Cole moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

AUBURN HILLS GOLF

AUBURN HILLS GOLF COURSE CLUBHOUSE – SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 00-0878.

On January 25, 2000, the City Council approved a contract to build a clubhouse for the Auburn Hills Golf Course. As a part of its review, the Office of Central Inspection has required a number of modifications to meet safety codes. The work consists primarily of improved access and lighting to a basement area to be used for golf cart storage.

The total cost of the additional work is \$39,632. The funding source is a combination of special assessments and City-at-Large funds.

Motion -- carried

Cole moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

KELLOGG/OLIVER

CHANGE ORDER - KELLOGG/OLIVER INTERCHANGE. (District II)

Agenda Report No. 00-0879.

On April 29, 1997, the City Council awarded a contract to Wildcat Construction Company, Inc. to construct an interchange at Kellogg and Oliver.

The Change Order adjusts bid quantities and provides for payment of work that was not included in the bid proposal so final payment can be made to the contractor. The major increases in cost are a result of additional pavement that needed replacement at the west end of the project, additional concrete fence that was constructed at the west end of the project, and additional traffic control.

This Change Order represents 0.17% of the original contract value. The net value of all Change Orders on the project represent 0.26% of the original contract value.

The net amount of the Change Order is \$43,393.05. Funds are available in the existing project budget for this expenditure. (Capital Improvement Program Project F-37, page 23). The funding source is State System Enhancement funds and local sales tax funds.

Motion -- carried

Cole moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

GRANT APP.

METRO COMMUNITY CAPACITY BUILDING GRANT PROGRAM APPLICATION.

Agenda Report No. 00-0880.

In late July of this year, the Kansas Department of Commerce and Housing released the guidelines for the department's FY 2001 Community Capacity Building Grant program. This is the same program through which the City of Wichita was awarded a grant last year for both neighborhood plan preparation (Delano, South Wichita-Haysville) and plan implementation (Center City) purposes. The grant funds are meant to encourage collaborative community planning and implementation efforts within the metropolitan areas of Kansas (Douglas, Johnson, Leavenworth, Sedgwick, Shawnee and Wyandotte Counties). Eligible uses of funds include neighborhood organizational development and more detailed neighborhood design planning.

There are several categories for project funding. The categories are:

1. Neighborhood revitalization and plan implementation in blighted neighborhoods or neighborhood conservation planning and implementation

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2. Growth management for 2nd and 3rd class cities
3. Inter-jurisdictional planning and implementation affecting more than one political jurisdiction
4. Downtown revitalization planning
5. Countywide hazard mitigation planning

The City adopted a Neighborhood Revitalization Plan in April of 1998. This plan meets the State of Kansas minimum requirements for a neighborhood revitalization or a conservation plan. Such a plan is a requirement for submission of a grant application under the KDCH program. Furthermore, a private organization or one private/public partnership organization must participate. The City's partnerships with the area neighborhood associations have met this requirement.

Three (3) new applications have been prepared for grants under the FY 2001 program. One planning grant has been requested to help develop a neighborhood plan for the McAdams neighborhood. The other two requests are for implementation grants to assist with the implementation of the Hilltop Neighborhood Plan (adopted by the City Council on August 15, 2000) and the Delano Neighborhood Plan (scheduled for adoption in January, 2001). Both of these implementation grants could be used to develop a not-for-profit development organization in these respective neighborhoods to help implement the goals of each Plan, prepare a land/building acquisition and relocation strategy, and/or prepare designs for neighborhood improvements.

These grant applications support the Neighborhood Revitalization Plan and the conservation and revitalization of older neighborhoods in need. The grants would provide increased planning services in Council Districts 1, 3 and 4.

The grants require a match from the City. The match requirement for the planning grants can be met (as was last year) through the budgeted staff allocations for neighborhood planning as identified in the work program and adopted budget for the Planning Department. The match for the implementation grants can be met with funds in either the City's General Reserve or CDBG fund. The Planning Department is administering the previously awarded grants and will also administer the new KDCH grants if awarded. The amounts being requested from the State and the City match requirements are listed in the following table:

Neighborhood	Grant Amount	City Match
McAdams (planning grant)	\$15,000	\$ 5,000 (MAPD budgeted staff allocations)
Hilltop (implementation grant)	\$10,000	\$10,000 (general reserve or CDBG fund)
Delano (implementation grant)	\$10,000	\$10,000 (general reserve or CDBG fund)
Total	\$35,000	\$25,000

The proposed grant awards total \$35,000. The City's matching portion for the three grants is \$25,000. City matching funds will be found in the Planning Department budget (\$5,000 for planning grant) as part of the department's previously approved work program, and the City's General Fund Reserve or CDBG fund (\$20,000 for the implementation grants).

Motion --
-- carried

Cole moved that the application and receipt of funds be approved, the Resolution be adopted; the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

HISTORIC PRES.

HISTORIC PRESERVATION FUND GRANT ADDENDUM.

Agenda Report No. 00-0881.

The Delano Survey Grant (20-00-15319-009) is being amended to increase the amount by \$9,000 which is being reallocated from the Printing Grant (20-99-14249-014). This is being done to accommodate additional public hearings for the updating of the 1990 Preservation Plan. There is no new grant money, just repackaging of two grants previously approved by City Council.

Grant 20-00-15319-009	Conduct survey in the Delano neighborhood – approximately 370 structures
Addendum #1	
\$28,980.00	Printing of 1,000 copies of the 2000 Preservation Plan Update.

Staff time is match for grant. Project to be completed by June 30, 2001.

Motion -- carried

Cole moved that the Grant Agreement be received and filed. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

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MINI CITY HALLS

FUNDING TO EQUIP MINI CITY HALLS.

Agenda Report No. 00-0882.

On March 23, 1999, the City Council approved the establishment of Neighborhood Service Centers at four different locations: Atwater, Colvin, Evergreen, and Aley/Stamley. The four centers already house some City offices and serve as a focal point for citizen involvement. The newly created District Advisory Boards (DABs) hold meetings at these four locations and the centers are staffed by Neighborhood Assistants. Additionally, branch health stations are located at Colvin, Evergreen and Aley/Stamley; recreational staff are also assigned to the four locations.

The Colvin and Aley/Stamley facilities are combined community and elementary education facilities. Both locations operate branch libraries that serve the public and the school children. Community Education Coordinators are located at Colvin, Aley/Stamley, Northeast Magnet School (Atwater is utilized when possible), and Hadley Middle School (Evergreen Center is utilized when possible).

The four centers represent a substantial community investment and one that offers an effective, practical way to provide convenient public services. Currently the space at the neighborhood centers is underutilized (except for Colvin). To capitalize on an existing public asset, the City Council approved (March 23, 1999) increasing its investment in the centers to make them viable service facilities for the surrounding neighborhoods. The centers will house an array of municipal services – resulting in decentralization of City services – thereby making them more accessible to area residents and neighborhoods. The centers will be “Mini City-Halls” providing those services most often needed by neighborhood residents and serving as focal points to provide residents with convenient access.

On March 30, 1999, the City Council approved architectural services to refurbish the neighborhood centers into “Mini-City Halls.” On July 11, 2000, the Council again affirmed its support for the designated “Mini-City Halls,” and authorized staff to proceed with bids for renovation and construction work. The architect has completed plans for the four facilities and has also prepared an estimate for furniture and fixtures associated with this project. Due to the funding source (Community Services Block Grant), the City must obligate the funding for the furniture and fixtures before September 30, 2000 (or funds must be returned to the State). The bid specifications for remodel of the four facilities are nearly complete and it is anticipated that construction will begin before the end of this year.

An amount of \$280,000 has been targeted from the CSBG grants for the purchase of furniture and equipment for the four “Mini-City Halls.” The architect estimates that \$255,000 will be needed to furnish the centers. The additional funds will be utilized for center improvements, including data hardware and software needs.

The use of CSBG funds for improvements to the “Mini-City Halls” is an eligible expense.

Motion --
-- carried

Cole moved that CSBG funding in an amount not to exceed \$280,000 for this project be authorized and the necessary budget adjustments be approved. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

KPTS

WAIVER OF ASSESSMENTS – KANSAS PUBLIC TELECOMMUNICATIONS SERVICE, INC.

Agenda Report No. 00-0883.

The Kansas Public Telecommunications Service, Inc. (KPTS) is a public television station committed to providing high quality programming for viewers in the South Central Kansas area. To continue to deliver quality state-of-the-art programming it is necessary for KPTS to expand and renovate its facilities.

The Board of Trustees for KPTS is committed to expanding and renovating its facilities at its present location. Its desire is to not only construct a facility that will allow KPTS to move into the future, but to also make an investment in the neighborhood. In an effort to begin acquiring property to expand its facilities, KPTS recently purchased property located at 2216 North Waco which is now a vacant lot. The purchase price for the property was \$456.00 with assessments of \$5,085.72 for weed cutting and house removal. KPTS is requesting the City waive the assessments as they have limited funds for property acquisition.

The City will be responsible for payment of the special assessments in the amount of \$5,085.72. Funds are available from the General Fund.

Motion --
-- carried

Cole moved that the waiver be approved and the use of general funds for payment be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

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PAYMENT OF JUDGMENT – ADAMSON, SOUTH SENECA FLOODING. (District IV)

Agenda Report No. 00-0884.

In 1996, the City was sued for damages to real and personal property as a result of elevated groundwater. The plaintiffs claimed that the cause of the damage was the City's design and construction of public improvements (street paving and storm water) from 47th Street South to the Big Ditch. In 1998 four cases were tried to a jury. The property owners sought damages from the City of over \$120,000. As a result of the trial, the owners were awarded damages of \$51,636.42. The City appealed the jury's verdict.

The decision of the trial court was recently upheld by the Supreme Court of Kansas. The City is obligated to pay the judgment for these owners of \$51,636.42, together with interest from March 12, 1998. The total accrued interest is \$20,647.52 through August 31, 2000. Interest accrues at the rate of \$14.15 per day after August 31, 2000.

The cost of this judgment is to be paid from the Stormwater Utility Fund.

Motion -- carried

Cole moved that payment in the amount of \$72,283.94, together with interest, be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

FIBER OPTIC INSTALL. FIBER OPTIC INSTALLATION.

Agenda Report No. 00-0885.

On January 6, 1998, the City Council approved the Water System AM/FM Implementation (CIP W-554). The AM/FM Implementation Project is for the development and enhancement of the AM/FM system, including infrastructure, hardware, and software upgrades. A contract for the design of a fiber optic system is part of the enhancement of the AM/FM system and was approved in October of 1998. The fiber optic conduits have been installed.

The combination of large files and copper wire network resulted in the system being incapable of supporting, manipulating, and transferring data. A fiber optic network and associated equipment will provide the infrastructure necessary to fully utilize the current and future AM/FM system developments. The estimated cost for the installation of the fiber optic system is \$268,125.

The Water System AM/FM Implementation is budgeted for \$870,000, with \$201,000 available for the fiber optic installation project. In addition, the Data Center has \$80,000 budgeted for the project.

Motion --
-- carried

Cole moved that the Contract be approved; the Resolution be adopted; and the Notice of Intent to Publish and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

EXPO HALL

EMERGENCY REPAIRS – EXPO HALL.

Agenda Report No. 00-0886.

Two problems existed at Expo Hall that required immediate repairs:

- 1- Failure of the air-conditioning equipment in the West Meeting Rooms of Expo Hall necessitated emergency repairs to the equipment.
- 2- High traffic has caused the carpet to stretch and some seams to begin to fail, necessitating major carpet repairs.

Replacement compressors and related equipment cost approximately \$13,000. These Meeting Rooms are used extensively by both Century II and the Hyatt Regency Hotel. These meeting rooms are essential to both functions. The rooms cannot be used without the air conditioning equipment.

The carpet needed repair, as uniformity is important for both safety and appearance.

The project for replacement of the center roof section of Century II is substantially complete, and will be \$17,000 under-budget. These emergency repairs are expected to cost less than the \$17,000 remaining in the roof account.

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Ordinance 35-856 Section 2 (c) authorizes the Purchasing Manager to perform emergency repairs because of Public Exigency.

Motion -- carried

Cole moved that the Item be received and filed. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

WATERSHED GRANT

WATERSHED ASSISTANCE GRANT.

Agenda Report No. 00-0887.

On August 15, 2000, the Wichita-Sedgwick County Department of Health in partnership with the Water and Sewer Department and Public Works completed and submitted a Watershed Assistance Grant application for fiscal year 2000 funding in the amount of \$30,000. If approved, the grant would provide for the establishment of water quality improvement partnerships, create voluntary water quality monitoring networks to increase awareness, develop a comprehensive coordinated monitoring system with the Kansas Department of Health and Environment and a website containing related data for the Arkansas River watershed.

Watershed Grant funds may not be used to purchase equipment, conduct water quality monitoring or water restoration.

The \$30,000 watershed assistance grant does not require any local match and has no maintenance of effort requirements to fund operations after the grant ends.

Grant applications for new grants in excess of \$10,000 must be reviewed and approved by the City Council. However, Administrative Regulation No. 61 allows the City Manager to waive this requirement in those circumstances where City Council approval would result in a delay that would jeopardize or invalidate the grant application. The Watershed Assistance Grant application deadline required that submittals have a postmark no later than August 15, 2000. Since the next available Council meeting was past the grant application deadline, the City Manager waived prior City Council approval (per AR 61) and signed the grant.

Motion -- carried

Cole moved that the Item be received and filed. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

WATER PUMP

ADDITIONAL PUMP FOR WEBB ROAD PUMP STATION. (District II)

Agenda Report No. 00-0888.

The majority of the City receives water pumped from the Hess Pump Station, located near the Water Treatment Plant. Because the elevation of the City increases in the northeast corner of the City, there is an area that water must be pumped again to maintain adequate water pressure. There are two pump stations that provide the additional pressure to that area: the 37th St. Pump Station, located on 37th St. between Woodlawn and Rock; and the Webb Rd. Pump Station, located at 21st and Webb Rd. On March 10, 1998, the City Council approved a project to install an additional variable speed pump at the Webb Rd. Pump Station to improve service to that area.

The project envisioned installing an additional variable speed pump with a capacity of about 3 million gallons-per-day. Since the project was initiated, the Water Master Plan was completed and the need for additional pumping capacity from the Webb Rd. Pump Station was identified. The Master Plan recommended the installation of a five million gallon-per-day variable speed pump. In order to install a larger pump, significant modifications to the electrical system at the pump station are needed, along with a larger variable frequency drive.

The additional modifications will increase the cost of the project. The current CIP W-555, 21st & Webb Variable Speed Pump, has a budget of \$116,000, and the revised project will cost approximately \$480,000. There are two other projects in the CIP, the demolition of the Murdock St. Pump Station (CIP W-544, \$300,000) and Lincoln St. Pump Station (CIP W-543, \$270,000), that are being completed below funding. It is recommended that a total of \$364,000 be transferred from these two projects to CIP W-555 to allow for the recommended improvements.

The transfer of funds will not increase the total amount budgeted for this project.

Motion --
-- carried

Cole moved that transfer of \$190,000 from CIP W-544 and \$174,000 from CIP W-543 to CIP W-555, and increase the funding authority in W-555 to \$480,000 be approved. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

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BUDGET

CAPITAL IMPROVEMENT PROGRAM BUDGET ADJUSTMENT.

Agenda Report No. 00-0889.

On February 1, 2000, the City Council approved a Supplemental Agreement with Black & Veatch for the Water Master Plan (CIP W-526) for \$17,000. At the time there were adequate funds in the budget for the Supplemental Agreement.

When the Supplemental Agreement was processed, the budget registered a deficit of \$5,200 due to some work that was done by Staff in preparation of the Water Master Plan.

The Northwest Transmission Facility (CIP W-510) has been completed and has remaining funds. The required \$5,200 could be transferred from the Northwest Transmission Facility budget to the Water Master Plan (CIP W-526) causing no net increase in the total CIP budget.

Motion -- carried

Cole moved that the transfer of funds be approved. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

MEDICAL TEAM

TACTICAL MEDICAL TEAM PROGRAM.

Agenda Report No. 00-0890.

The Police Department's Special Weapons and Tactics (SWAT) Team was organized to deal with a variety of potentially violent situations, such as snipers; hostage incidents; serving high risk warrants; and other dangerous situations involving the general public and/or public safety officers. The (SWAT) Team is well trained and equipped to handle most tactical situations; it does not have the capability of providing on-scene emergency medical assistance and/or advanced life support treatment. To address emergency response actions, it is proposed to modify the current SWAT Team to include tactically trained paramedics who will be cross-trained to operate in a tactical environment.

The proposed T.M.T. will involve City Police and City/County Fire personnel. To implement this program will require an Interlocal Agreement with the County to allow Sedgwick County Fire Department personnel to volunteer to become tactical paramedics; obtain authorization from the Medical Society of Sedgwick County to utilize paramedics in tactical environments; include the use of existing standard medical protocols; and acquisition of safety, communications, and medical equipment. The team will be trained in Counter Narcotics Tactical Medical Support Training (CONTOMS).

Law enforcement agencies across the nation have acknowledged the value of having tactically-trained medical personnel assigned as part of their SWAT Teams. The primary reason, in part, is due to recent school shootings where injured victims are involved. The Wichita Police Department has initiated steps to include paramedics into the SWAT Team activities. The following has been accomplished: Selection criteria has been developed and volunteer paramedics selected to participate; six (6) paramedics have completed CONTOMS training and the remaining two (2) paramedics have been scheduled to attend; the Medical Society of Sedgwick has authorized use of paramedics in tactical environments, including the use of existing standing medical orders and protocols; and all medical and safety equipment has been acquired (for the additional teams members). The City Attorney and Director of the Kansas Law Enforcement Training Center have approved appointing tactical paramedics as Police Reserve Officers.

Funding for the equipment and training has been made available from donations from the Doonan Trucking Company, along with funding from the City, Sedgwick County, and the Federal Funding Appropriations Bill.

The modification of traditional police SWAT Teams into Tactical Medical Teams is becoming a common practice by law enforcement agencies. The value of having trained medical personnel immediately available during (opposed to after) a tactical situation provides a level of safety and potential life saving care which might not have been previously available to public emergency officers or victims.

The costs of CONTOMS training and acquisition of equipment for the paramedics have been funded from private donations, Sedgwick County, or the City of Wichita. On-going annual in-service training costs of the eight (8) paramedics is \$17,408. It is estimated they will respond to 20-callouts/year, for a total estimated (annual) callout cost of \$2,560. Annual on-going costs are estimated to be \$20,000. Funding is available within the Police and Fire Department's budgets, and the Sedgwick County Fire Departments.

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An Interlocal Agreement between City Council and Sedgwick County Commission has been prepared and approved by the City of Wichita Law Department, Sedgwick County Legal Advisor, and Office of the Attorney General.

Motion --

Cole moved that establishment of a Tactical Medical Team and Interlocal Agreement between the Board of Sedgwick County Commissioners and City of Wichita be approved, and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

-- carried

ENVISION, INC.

AUTHORIZATION TO JOIN IN EXEMPTION APPLICATION – ENVISION, INC. (District III)

Agenda Report No. 00-0891.

Envision, Inc. is preparing to exempt its recently completed facilities for the blind, which were financed by the City's Series III, 1999 Industrial Revenue Bonds. Envision, Inc. is a not-for-profit firm with the special mission of providing jobs for people with blindness and other disabilities. Envision also provides job training, job placement and rehabilitation services.

Under the IRB Lease that covers the facilities, the City of Wichita acknowledges that Envision would seek exemption for the property based on its 501(c) (3) status, and agreed to reasonably cooperate to prevent any assessment that might be threatened with respect to the property. Because of the IRB financing, the City, rather than Envision, has title to the facilities and must therefore formally join in the application in order for the exemption to be approved.

The exemption will affect the City's tax base. However, had the facilities been financed without IRB's, they likely would have been exempted due to their use and ownership for 501 (c) (3) and community service purposes.

Motion -- carried

Cole moved that the documents be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

ENVISION, INC.

RELEASE OF LIEN AND CONSENT TO SELL PROPERTY – ENVISION, INC.

Agenda Report No. 00-0892.

On January 15, 1976, the City entered into a contract with the Kansas Foundation for the Blind (KFB), now called Envision, Inc., to provide \$220,000 in Community Development Block Grant (CDBG) funds to pay a portion of the costs to purchase and rehabilitate a facility located at 801 East Lincoln. This facility was to be used as a workshop and rehabilitation facility for the blind.

Envision, Inc. has purchased a new facility located at 2301 South Water, which is financed in part by City Industrial Revenue Bonds. The proceeds from the sale of 801 East Lincoln will be used to continue the workshop and rehabilitation programs for the blind at the new location.

HUD rules require repayment of the CDBG grant unless the sale proceeds continue to be used to assist the blind for five years after the contract expires.

The 1976 CDBG contract stated that the facility at 801 East Lincoln will be used as a public or other non-profit rehabilitation facility for a minimum of twenty (20) years commencing at the completion of the building renovation. The 20 year restricted use requirement has been met. However, HUD rules continue the restriction on the use of sale proceeds until May, 2003. Envision has agreed to enter into agreements acceptable to the Law Department to meet this requirement. The Department of Law has approved the release of Lien and Consent of Sale documents.

Motion -- carried

Cole moved that the documents be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

UNILATERAL ANNEX.

ANNEXATION SERVICE EXTENSION PLANS.

Agenda Report No. 00-0893.

The City has utilized the assistance of professional firms to prepare service extension plans required by State law when cities annex properties through the unilateral annexation method. Under previous contract, the city retained the services of Baughman Company to perform these services. The contract for these services are nearing closure,

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but additional areas still remain for service extension planning. Certain areas are eligible for annexation and await the service extension plans required for governing body action. It is proposed that this work commence yet this year.

The City has previously solicited proposals for this work; however, in the past, only the Baughman Company responded to the requests for service. It is proposed to carry out these studies in much the same manner as before and either pay for lump sum services or on a per hours basis to accomplish the needed work for the extension service plan. It is proposed the City will again solicit RFP's for this work. If only one firm responds, it is recommended that the Staff be granted the authority to negotiate the terms/conditions of the contract for the performance of the annexation service extension plans.

It is proposed that the City Council authorize up to \$20,000 for the service extension work. Sufficient funds are available in the City's General Fund contingency.

Motion -- carried

Cole moved that funding and contracting plans be approved. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

PROPOSED SPECIAL ASSESSMENT ROLLS.

Proposed assessment rolls have been prepared for 28 paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 2, 2000.

Motion -- carried

Cole moved that the public hearing be set for 11:00 a.m., Tuesday, October 17, 2000. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 456 COURTLEIGH - EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-0894.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 456 Courtleigh, Bobby Kirk, has expressed an interest in selling this property to the City. The site contains 14,950 square feet and is improved with a 2,006 square foot brick, ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$115,000. The owner will accept the appraised value plus \$10,000 for moving and incidental expenses. Early acquisition will avoid future relocation. The property appears to be in good condition with no deferred maintenance noted. The residence will be leased by the owner until they find a replacement dwelling or until it is needed for the highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$131,000 is requested. This includes \$125,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Cole moved that the budget and Contracts be approved; and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 28 WILLOWBROOK - EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-0895.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 28 Willowbrook, Brenda Golden, has expressed an interest in selling this property to the City. The site contains 14,200 square feet and is improved with a 3,575 square foot two-story single family residence. The property has four bedrooms and four baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$295,000. The owner has located an acceptable replacement dwelling that is currently available. The replacement dwelling will require some renovation. Early acquisition will avoid future

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relocation and moving expenses. An amount of \$355,000 has been negotiated. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$367,000 is requested. This includes \$355,000 for the acquisition, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Cole moved that the budget and Contracts be approved; and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 4 HUNTER - EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-0896.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 4 Hunter, Larry and Linda Hollis, have expressed an interest in selling this property to the City. The site contains 14,200 square feet and is improved with a 2,637 square foot brick, ranch-style single family residence. The property has three bedrooms and two and one-half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$225,000. The owners have located an acceptable replacement dwelling that is currently available. The replacement dwelling will require considerable renovation. Early acquisition will avoid future relocation and moving expenses. An amount of \$312,500 has been negotiated. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$324,500 is requested. This includes \$312,500 for the acquisition, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Cole moved that the budget and Contracts be approved; and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

PROPERTY ACQ

ACQUISITION OF 3600 ELMWOOD - DRY CREEK DRAINAGE PROJECT. (District III)

Agenda Report No. 00-0897.

The City has, when the opportunity arises, acquired properties along the Dry Creek drainage that are located in the floodway. While not in this year's CIP, a project to improve Dry Creek between Mt. Vernon and Elmwood is in the projected 2004 CIP. The house at 3600 Elmwood is in the floodway and currently available. The property has 3,828 square feet with four bedrooms and three bathrooms on two levels. It is owned by Hugh Riordan and is located on a 2.9-acre site.

The property was appraised for tax purposes at \$186,500. The owner has agreed to accept \$175,000. Upon acquisition, the house will be evaluated for suitability to be moved and either sold to be moved or demolished.

A budget of 192,000 is requested. This includes \$175,000 for the acquisition, \$15,000 for demolition and \$2,000 for closing costs and title insurance. If approved, a funding source will need to be identified in the current budget by the Finance office.

Motion --
-- carried

Cole moved that the budget and Contracts be approved; and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

VEST POCKET PARK

AMENDING RESOLUTION: VEST POCKET PARK – SOUTH OF DOUGLAS, EAST OF MARKET. (District I)

Agenda Report No. 00-0898.

On February 15, 2000, the City Council adopted a Resolution that authorized construction of the Vest Pocket Park. The Resolution contained an error in the project budget total.

An Amending Resolution has been prepared to correct the error.

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The previous Resolution contained a \$614,100 budget. The corrected amount is \$614,000.

Motion -- carried

Cole moved that the Resolution be adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

RESOLUTION NO. R-00-333

A Resolution amending Resolution No. R-00-070 of the City of Wichita, Kansas, finding it necessary to make certain improvements to construct the Vest Pocket Park (on Douglas between Market and Broadway) Project No. 472-82881, and authorizing the issuance of bonds by the City of Wichita at-large, presented. Cole moved that the Resolution be adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Ayes: Cole, Gale, Lambke, Rogers.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 22, 2000)

- a) Wireless communication master plan – Unified Zoning Code.

Cole moved that the Ordinance be placed upon its passage and adopted. Motion failed 3 to 1. Yeas: Cole, Gale, Rogers. Nays: Lambke. (Vote carried forward from first reading of the Ordinance. Four votes are required to adopt an Ordinance. The Ordinance will be carried forward to the September 19, 2000, meeting.)

- b) Wireless communications master plan – zoning applications.

Cole moved that the Ordinance be placed upon its passage and adopted. Motion failed 3 to 1. Yeas: Cole, Gale, Rogers. Nays: Lambke. (Vote carried forward from first reading of the Ordinance. Four votes are required to adopt an Ordinance. The Ordinance will be carried forward to the September 19, 2000, meeting.)

- c) IRB – McCormick-Armstrong Company, Series VIII, 1999, amendment.

ORDINANCE NO. 44-706

An Ordinance of the City of Wichita, Kansas authorizing the execution of a first amendment to lease agreement by and between the City of Wichita, Kansas, and McCormick-Armstrong Co., Incorporated, in connection with the project financed by the City's Industrial Revenue Bonds, Series VII, 1999 (McCormick-Armstrong Co., Incorporated), read for the second time. Cole moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Yeas: Cole, Gale, Lambke, Rogers.

- d) Z-3353 – southeast corner of 13th Street North and Waco. (District VI)

ORDINANCE NO. 44-707

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Cole moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Yeas: Cole, Gale, Lambke, Rogers. Z-3353

- e) ZON2000-00027 – southeast corner of 21st Street North and Webb Road. (District II)

ORDINANCE NO. 44-708

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Cole moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Yeas: Cole, Gale, Lambke, Rogers. ZON2000-00027

- f) ZON2000-00029 – north of Lincoln, east of Greenwich Road. (District II)

ORDINANCE NO. 44-709

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Cole moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Yeas: Cole, Gale, Lambke, Rogers. ZON2000-00029

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g) Z-3357 – south side of 45th Street North, east of Rock Road. (District II)

ORDINANCE NO. 44-710

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Cole moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Yeas: Cole, Gale, Lambke, Rogers. Z-3357

h) ZON2000-00017/18 – southwest corner of 37th Street North and Ridge Road – Parcel 2. (District V)

ORDINANCE NO. 44-711

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Cole moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent) Yeas: Cole, Gale, Lambke, Rogers. ZON2000-00017 and 00018

PLANNING AGENDA

Marvin Krout Director of Planning stated that all Items except 56 and 60 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- carried Lambke moved that the Planning Agenda Items, except 56 and 60, be approved as consensus Items. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent).

VAC2000-00030

VAC2000-00030 – VACATION OF A PORTION OF BUILDING SETBACK ON PROPERTY GENERALLY LOCATED APPROXIMATELY FIVE BLOCKS SOUTH OF HARRY ON THE WEST SIDE OF HOOVER – 1821 SOUTH EISENHOWER. (District V)

Agenda Report No. 00-0899.

Staff Recommendation: Approve vacation of building setback.
MAPC Recommendation: Approve vacation of building setback. (unanimous)

The applicant is requesting to vacate the interior 15 feet of a 35-foot platted building setback on the south property line of Lot 9. This property is zoned "LI" Limited Industrial, which has no street side building setback requirement per the Zoning Code. This adjustment to the existing setback would comply with the required zoning setback. This request would allow the applicant to develop the property consistent with Lot 10, north of the subject property.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Cole moved that the Vacation Order be approved, and the necessary signatures be authorized. Motion carried -- carried 4 to 0. (Martz, Pisciotte, Knight; absent)

VAC2000-00031

VAC2000-00031 – VACATION OF A PORTION OF A UTILITY EASEMENT ON PROPERTY GENERALLY LOCATED APPROXIMATELY ONE-HALF MILE SOUTH OF KELLOGG AND ONE-HALF MILE EAST OF HILLSIDE – 714 SOUTH ROOSEVELT. (District II)

Agenda Report No. 00-0900.

Staff Recommendation: Approve vacation of utility easement.
MAPC Recommendation: Approve vacation of utility easement. (unanimous)

The applicants are requesting to vacate a portion of the 10-foot utility easement along their north property line for construction of a storage shed.

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No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Cole moved that the Vacation Order be approved, and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

VAC2000-0032

VAC2000-0032 – VACATION OF A PORTION OF STREET RIGHT-OF-WAY LOCATED SOUTH OF 13TH STREET NORTH ON THE EAST SIDE OF WOODLAWN. (District II)

Agenda Report No. 00-0901.

Staff Recommendation: Approve vacation of street right-of-way.

MAPC Recommendation: Approve vacation of street right-of-way. (unanimous)

The applicant is requesting to vacate a portion of street right-of-way adjacent to his west property line or the construction of a drive-up ATM for Fidelity Bank. At the request of City of Wichita Engineering Department, the applicant has agreed to dedicate contingent street right-of-way for a portion of the requested right-of-way vacation. This contingent dedication will provide for a future right turn lane on Woodlawn.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall dedicate by separate instrument, contingent street right-of-way for a portion of the vacated right-of-way, as determined by the City of Wichita Engineering Department, sufficient to facilitate a corer-clip for a right turn lane. No written protests have been filed.

Motion --
-- carried

Cole moved that the Vacation Order be approved, and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

VAC2000-0034

VAC2000-0034 – REQUEST TO AMEND THE TEXT ON THE FACE OF THE LAKERIDGE ADDITION PLAT TO ALLOW STRUCTURES TO BE BUILT ON RESERVE GENERALLY LOCATED ¼ MILE EAST OF RIDGE ROAD AND ¼ MILE NORTH OF 21ST STREET NORTH. (District V)

Agenda Report No. 00-0902.

Staff Recommendation: Approve vacation of street right-of-way.

MAPC Recommendation: Approve vacation of street right-of-way. (unanimous)

The applicant is requesting to vacate a portion of street right-of-way adjacent to his west property line or the construction of a drive-up ATM for Fidelity Bank. At the request of City of Wichita Engineering Department, the applicant has agreed to dedicate contingent street right-of-way for a portion of the requested right-of-way vacation. This contingent dedication will provide for a future right turn lane on Woodlawn.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall dedicate by separate instrument, contingent street right-of-way for a portion of the vacated right-of-way, as determined by the City of Wichita Engineering Department, sufficient to facilitate a corer-clip for a right turn lane. No written protests have been filed.

Motion --
-- carried

Cole moved that the Vacation Order be approved, and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

V-2155

V-2155 – VACATION OF A PORTION OF A UTILITY EASEMENT LOCATED IN AN AREA BETWEEN HILLSIDE AND RANGE ROAD. (District III)

Agenda Report No. 00-0903.

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

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The applicant is requesting to vacate a portion of a utility easement to only cover that part necessary to protect existing and planned utility lines. Wassall Avenue between Hillside and Range Road was vacated in 1986 (V-1388). However, the entire vacated Wassall Avenue was retained as a utility easement. The applicant wants to only retain a portion of this vacated right-of-way as a utility easement.

No one spoke in opposition to this request at the MAPC's hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant dedicating an additional 10-15 foot utility easement on Nelson's Hillside Park Addition; and a revised legal description shall be provided by the applicant which excludes all areas along the north portion of the vacated utility easement which covers the existing utility lines excluding service lines; and this vacation will not be forwarded for City council approval until such time as the sanitary sewer project is completed; and the applicant shall dedicate an additional five foot utility easement along the south vacated utility easement to cover existing KG&E and Southwestern Bell lines. No written protests have been filed.

Motion --
-- carried

Cole moved that the Vacation Order be approved, and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

DED2000-19

DED2000-19 – DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTHWEST CORNER OF BYRON STREET AND BYRON COURT. (District V)

Agenda Report No. 00-0904.

The Dedication is a requirement of Lot Split No. SUB 2000-42, and is being dedicated for construction and maintenance of public utilities. The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Cole moved that the Document be accepted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

DED2000-20

DED2000-20 – DEDICATION OF UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF MCCORMICK, EAST OF TYLER. (District V)

Agenda Report No. 00-0905.

The Dedication is a requirement of associated Lot Split No. SUB 2000-59 and is being dedicated for the purpose of construction and maintenance of public utilities. The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Cole moved that the Document be accepted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

DED2000-21

DED2000-21 – DEDICATION OF ACCESS CONTROL LOCATED ON THE NORTH SIDE OF MCCORMICK, EAST OF TYLER. (District V)

Agenda Report No. 00-0906.

As a requirement of Lot Split No. SUB 2000-59, this dedication is being made for the purpose of access control except for one opening along McCormick.

The dedication has been reviewed and approved by the Planning Commission

Motion -- carried

Cole moved that the Document be accepted. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

S/D 99-89

S/D 99-89 – PLAT OF CESSNA ADDITION, LOCATED ON THE SOUTHEAST CORNER OF RIDGE ROAD AND K-42 HIGHWAY. (District V)

Agenda Report No. 00-0907.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0-1)

A zone change (SCZ-0795) from RR, Rural Residential to LI, Limited Industrial has been approved for this site subject to platting. The plat is also subject to a Protective Overlay addressing permitted uses and landscaping.

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A petition for paving of a left turn lane for Ridge Road will be handled by the County. Other petitions, 100%, have been submitted for City water and sewer improvements. Both a City and County Certificate of Petitions have also been submitted. An Outside-the-City Water Agreement has also been provided.

The site is within the noise impact area of Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required. An off-site drainage easement was provided in accordance with the drainage plan required for this site. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions, avigational easement, restrictive covenant, Protective Overlay Certificate and off-site drainage easement will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the documents and plat be approved, and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-336

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89487 (south of K-42 Highway, east of Ridge Road) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 4 to 0. Ayes: Cole, Gale, Lambke, Rogers. (Martz, Pisciotte, Knight; absent).

RESOLUTION NO. R-00-337

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 459, Southwest Interceptor Sewer (south of K-42 Highway, east of Ridge Road) 468-83128 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 4 to 0. Ayes: Cole, Gale, Lambke, Rogers. (Martz, Pisciotte, Knight; absent).

SUB2000-57

SUB2000-57 – STREET IMPROVEMENT AGREEMENT, NORTH OF CENTRAL, WEST OF ZOO BOULEVARD. (District VI)

Agenda Report No. 00-0908.

This No Protest Agreement for the paving of Joann Street was required for the approval of a Lot Split (SUB 2000-57) for Lot 17, Westridge Acres. The Lot Split will allow for the creation of an additional lot zoned SF-6, Single Family Residential. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Joann Street and that the owners have waived their right to protest said paving.

Motion-- carried

Cole moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

ZON2000-00032

ZON2000-00032 – REQUEST FOR ZONE CHANGE FROM LIMITED INDUSTRIAL TO CENTRAL BUSINESS DISTRICT, LOCATED SOUTH OF WATERMAN AND EAST OF COMMERCE. (District I)

Agenda Report No. 00-0909.

MAPC Recommendation: Approve (11-0).
Staff Recommendation: Approve.

The applicant is requesting "CBD" Central Business District zoning for a property with approximately 0.13 acre located south of Waterman and on the east side of Commerce (418 South Commerce). The property is developed with a warehouse building constructed around 1895. The building extends from property line to property line and has common walls with the adjoining warehouses to the north and south. The buildings originally fronted onto Santa Fe Avenue and were used for railroad deliveries. After the vacation of Santa Fe Avenue, the fronts of the buildings were reversed to face onto Commerce. The vacated right-of-way for Santa Fe Avenue is located along the rear of these buildings, and is open space. A cross-lot common dock agreement gives access to the rear of the buildings, but appears to be used infrequently.

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The building owners, David and Marilyn Grisham, have requested "CBD" zoning in order to use the building for both residential and non-residential purposes. The current zoning, "LI" Limited Industrial, does not allow residential use. They have indicated they hope to locate a studio and workshop, a small gallery space, and a garage on the main floor and a residence on the second floor. As proposed, the off-street parking requirement would be approximately eight spaces. "CBD" would accommodate this range of uses, and also would eliminate the requirement to provide off-street parking. However, the applicants have indicated they are providing one to three off-street parking spaces within the structure, plus there are three on-street spaces in front of the building.

Mrs. Grisham currently has a home occupation type of business. She has two looms that she and one coworker use to weave tapestries. Several times a year, she plans to display her works in a gallery space within the building. She likes the spaciousness and ambiance of the warehouse for a workshop and loft, and prefers to have her home and workshop in the same location.

The 400 block of South Commerce is zoned "LI" Limited Industrial and has been used primarily for warehousing. There are several furniture warehouses, private storage, a body shop, and a parts supply business. Additionally, an antique store, Dock 410, is nearby to the north and a photography studio is located to the west, with its frontage onto St. Francis. The adjoining property to the south of the applicant is being renovated as an interior design and ceramics studio. All the property west of St. Francis, which is one-half block to the west, is zoned "CBD" and is used for a variety of uses similar to those along South Commerce.

At the MAPC meeting held August 17, 2000, MAPC voted (11-0) to approve the request. There were no citizens other than the applicants present to speak.

Motion --
-- carried

Cole moved that the City Council concur with the findings of MAPC and approve the zone change, and place the ordinance establishing the zone change on first reading. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

ORDINANCE

An Ordinance amending zoning classification or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified zoning Code, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

(Agenda Item No. 56)
ZON2000-00033

ZON2000-00033 – REQUEST FOR ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE AND LIMITED COMMERCIAL, GENERALLY LOCATED EAST OF WOODLAWN AND NORTH OF 17TH STREET NORTH. (District II)

This Item was pulled from the Agenda.

CUP2000-00028
ZON2000-00034

CUP2000-00028 – AMENDMENT TO CREATE A NEW PARCEL FROM THE SOUTH 250 FEET OF PARCEL ONE (1) OF DP-170 REFLECTION RIDGE C.U.P. THAT ALLOWS OFFICE USES; AND ZON2000-00034 – REQUEST FOR ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE FOR THE PROPOSED NEW PARCEL, LOCATED NORTH OF 21ST STREET NORTH ON THE EAST SIDE OF TYLER ROAD. (District V)

Agenda Report No. 00-0911.

MAPC Recommendation: Approve zone change, subject to platting within 1 year; and approve C.U.P., subject to conditions (11-0).

Staff Recommendation: Approve zone change, subject to platting within 1 year; and approve C.U.P., subject to conditions.

DAB Recommendation: Approve zone change, subject to platting within 1 year and approval of C.U.P, subject to conditions (10-0).

The applicant is requesting the division of Parcel 1 of DP-170 Reflection Ridge Community Unit Plan to create a new parcel, Parcel 1A, for a maximum of 20,000 square feet of office development. The new parcel would be zoned "GO" General Office and be located upon the south 250 feet of the existing Parcel 1. The new parcel would be 2.7? acres in size and the remaining portion of Parcel 1 would decrease from 6.79 acres to 4.09 acres.

DP-170 Reflection Ridge is a residential community unit plan. Parcels within Reflection Ridge are zoned "SF-6" Single-Family, but are approved for a variety of residential housing types and densities so long as the overall

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density of the total development does not exceed 4.5 dwelling units per acre. Parcel 1 is approved for the following dwelling types and number of units: single-family – 27 units, patio homes or zero lot line – 34 units, duplexes – 40 units, townhouses – 85 units, and apartment or assisted living – 136 units. This is a maximum density of 20 dwelling units per acre for Parcel 1, and corresponds to locating a more concentrated residential area along the arterial street, Tyler Road.

The applicant proposes to allocate the proportionate share of residential uses and densities between Parcel 1 and Parcel 1A, retaining the possibility of using the newly created parcel for residential purposes, but without altering the overall density or dwelling types already permitted.

The development of Parcel 1A with office uses would add a commercial component to DP-170. The maximum building coverage and floor area requested is 20,000 square feet. This represents a building coverage and floor area ratio of 17 percent. The maximum height requested is 35 feet, which is the same height as is permitted for residential development. The maximum number of buildings requested is three buildings. The applicant has requested that a screening wall not be required between Parcel 1 and Parcel 1A in order for the offices and residences to take advantage of the proposed lake to be located between the parcels.

Currently, Parcel 1 is permitted two openings onto Tyler Road. One opening would be retained to serve the residential uses on Parcel 1. The second opening would be on the southern portion of Parcel 1A and be located across Tyler Road from the major opening to the Warren Theatre.

Parcel 1A is situated between different types of development. The adjoining property to the south is zoned “GO” General Office on the western half and “SF-6” on the eastern half. The “SF-6” on the eastern half is used as a parking lot by customers of Village Charter while the customers are on tours with Village Charter. This parking lot was approved as a special use exception by the Board of Zoning Appeals (1-96). The remaining property extending south to 21st Street North is occupied by a retail center. Southwest of Tyler Road is the Warren Theatre and another small commercial center. The property directly across Tyler Road from the proposed office uses are the rear lots of residences in Sterling Farms 6th Addition. The land to the north is vacant (Parcel 1 of Reflection Ridge). The land to the east is Hole 7 of the Reflection Ridge golf course.

At the District Advisory Board meeting held on August 7, 2000, the Board voted (10-0) to approve the request. One family spoke in opposition to the proposed request.

At the MAPC meeting held on August 17, 2000, MAPC voted 11-0 to approve, subject to staff comments. One citizen was present to speak in opposition.

Motion --

-- carried

Cole moved that the City Council concur with the findings of the MAPC and approve the zone change and amendment to the C.U.P., subject to the recommended conditions; and instruct the Planning Department to forward the Ordinance for first reading when the plat is forwarded to the City council. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

A 00-15

A 00-15 – RESOLUTION ESTABLISHING A PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH OF 21ST STREET NORTH, AND EAST AND WEST OF HOOVER. (District V)

Agenda Report No. 00-0912.

The properties proposed for annexation are located north of 21st Street North and east and west of Hoover. A resolution is presented for consideration by the City Council to establish a future public hearing date of November 14, 2000, for consideration of a unilateral annexation.

This is the second phase of a six phase annexation initiative that began earlier this year. The first phase, which brought 611 acres and 47 properties into the City, was approved on July 18th, 2000.

The subject area for this second phase consists of approximately 135 acres and 43 properties (3 platted and 40 unplatted). The land-use pattern consists of 34 residential tracts, five (5) commercial tracts, and four (4) vacant tracts. The land use pattern of the area proposed for annexation is a mix of residential uses, agricultural uses, with some commercial and industrial uses concentrated along Hoover Road. The majority of the subject property is zoned “SF-20” Single-Family Residential, with several areas zoned “LC” Limited Commercial and “LI” Limited Industrial. Those areas zoned “SF-20” will convert to the “SF-6” Single-Family Residential district upon annexation (“SF-10” if requested by property owner and approved by the governing body), while other properties will retain their existing zoning. A 20-acre tract located north of 21st Street and east of Hoover was approved for “IP” Industrial Park zoning by the County Commission in March of this year, with the Final Plat pending approval.

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The majority of the land proposed for annexation is located within the area identified as “low-density residential”, with some “commercial” and “industrial” areas intermixed, according to the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map, which has been approved by the Metropolitan Area Planning Commission and the Wichita City Council. Additionally, the proposed annexation area is located within the “2010 Urban Service Area” boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

The proposed annexation will allow for the continuation of the City’s growth in the northwest part of Wichita. All properties in the proposed annexation area are currently being served by private systems. According to the City Water and Sewer Department, there are City of Wichita water mains located within portions of 29th Street, Hoover Road, and Ridge Road, from which service could be extended. Map #6 also illustrates the size of future water mains to serve this area as development continues in that area.

As for sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Much of the area proposed for annexation lies within Sanitary Sewer Basin 4 (bounded generally by the Wichita-Valley Center Flood Control Project, 21st Street North, Maize Road, and 45th Street North). A study was completed in February 2000 to show how sanitary sewer service can be extended to serve Basin 4. Construction of sewer mains has not been scheduled at this time.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk’s Office. The Service Extension Plan outlines the City’s intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,757,660 resulting in an annual City Ad Valorem tax revenue of approximately \$7,271. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City’s intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk’s Office.

Motion --
-- carried

Cole moved that the Resolution setting November 14, 2000, 7:00 p.m., at the Sedgwick County Extension Office, 7001 West 21st Street North, as the time and place for the public hearing. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

RESOLUTION NO. R-00-334

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property located north of 21st Street North, and east and west of Hoover to the city of Wichita, Kansas, presented Cole moved that the Resolution be adopted. Motion carried 4 to 0. Ayes: Cole, Gale, Lambke, Rogers. (Martz, Pisciotte, Knight; absent).

A 00-18

A 00-18 – REQUEST TO ANNEX LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF 47TH STREET SOUTH AND WEST STREET. (District IV)

Agenda Report No. 00-0913.

The City has received a request to annex approximately 69 acres situated at the northeast corner of 47th Street South and West Street. The northern boundary of the site abuts the current City of Wichita limits. The property owner is planning to develop the property with 147 single-family (SF-6) dwellings and 17 Duplexes (TF-3). The staging of development has been planned over multiple years, with 100% of development projected to occur within 3 years.

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Land Use and Zoning: The proposed annexation site consists of one (1) undeveloped contiguous tract of land zoned "SF-20" Single Family Residential with a current Agricultural land use. Land north of the site is zoned "SF-6" Single Family Residential with land uses of Residential Urban, Residential Medium Density, and Vacant. Land west and east is zoned "SF-20" Single Family Residential, with Agricultural and Transportation, Communication, Utility land uses to the west and Agricultural to the east. Land south is zoned "SF-6" Single Family Residential and "SF-20" Single Family Residential, with Agricultural and Residential Suburban land uses. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-6" Single Family Residential. The landowner will be required to request rezoning of those lots proposed for "T-3" Two Family Residential duplexes.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely have a 12" water main extended in 47th Street South at an estimated cost of \$320,000. With the City's current policy of paying for the over-sizing of water main extensions (costs above an 8" line), the City's estimated at-large costs would be \$80,000. As for sewer, it is anticipated that the subject property will be served by a lateral extension from an existing 10" sanitary sewer line in 47th Street South, located approximately 1,165 feet east of the intersection of 47th Street South and West Street, at an estimated cost to the developer of \$47,000.

Street System: The property proposed for annexation will have access to West Street, which serves the area as the nearest major north-south road, and 47th Street South, which serves the area as the nearest major east-west road. Both streets are two-lane arterials. In the 2000-2004 Sedgwick County C.I.P., there are plans to improve West Street to 4-lanes between the south City limits and 47th Street South. Over the next three years and into the future, the estimated improvement cost is \$4,900,000. Also, there are plans to recondition the roadbed plus 6" bituminous surfacing on 47th Street South between the City limits and West Street at a cost of \$300,000.

Public Safety: The Wichita Fire Department can serve this site within a six (6) to eight (8) minute approximate response time from City Station #19, which will be relocated from 600 W. Mac Arthur to Broadway and Mac Arthur. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: Two parks are located approximately one (1) mile east of the property proposed for annexation. South Lakes Park, a 247.59-acre park, is currently being developed and is the site of a regional sports complex designed with 16 soccer fields and 4 softball fields. As noted in Park Areas Locations and Facilities, future plans also call for concession and maintenance facilities, picnic areas, fishing lakes, and nature trails. Southview Park, a 20.00-acre park, was developed to serve the southwest part of the City, and the American Youth Soccer Organization (A.Y.S.O) has developed a portion of the park for youth soccer. The Wichita-Sedgwick County Parks and Open Space Master Plan: Parks and Pathways indicates plans for a proposed Greenway along the "Big Ditch" approximately a ½ mile west of the proposed annexation site.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: The property is located within the 2010 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, recently adopted by the Metropolitan Area Planning Commission on March 16, 2000 and by the City Council on July 11, 2000.

The plat for the property proposed for annexation is currently being reviewed. The total appraised value of the property is \$25,850, resulting in an assessed value of \$4,730. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$148 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$14,955,000 when development is completed, resulting in an assessed value of \$1,794,600. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$56,361 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-520.

Motion -- carried

Cole moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 4 to 0. (Martz, Pisciotte, Knight; absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A 00-18

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Council Member Martz present.

(Agenda Item No. 60)
A 00-17

A00-17 – REQUEST TO ANNEX LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 45TH STREET NORTH AND OLIVER STREET. (District I)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 00-0914.

The City has received a request to annex approximately 71.3 acres situated at the southwest corner of 45th Street North and Oliver Street. The site does not abut the current City of Wichita limits. Therefore, the City must petition Sedgwick County to permit this “island” to be annexed. The City of Bel Aire is located immediately east of the site. The property owner is planning to develop the site with 175 single-family (SF-6) dwellings and 8 acres of Limited Commercial (LC) property. The staging of development has been planned over multiple years, with 100% of development projected to occur within 10 years.

Land Use and Zoning: The annexation site is presently in agricultural use and consists of one (1) undeveloped tract of land zoned “SF-20” Single Family Residential and “LC” Limited Commercial. Land north, south, and west of the site is also in agricultural production and is zoned “SF-20” Single Family Residential. The City of Bel Aire is located east of the site with single family residential housing. Upon annexation, the “SF-20” Single Family Residential zoning of the subject property will convert to “SF-6” Single Family Residential. As prescribed in the Wichita Land Use Guide of the 1999 Update to the Comprehensive Plan, recently adopted by the City Council on July 11, 2000, this zoning change and proposed land uses would not be consistent with the industrial land use designation for this area west of Oliver.

Public Services: Currently no City water and sewer lines serve the site proposed for annexation, and the developer has requested services be extended. The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to a 16” water main along Oliver Street extended from 37th Street North to 45th Street North. For sewer, it is anticipated that the installation of a lift station would be required at the southwest corner of the site. Also, the construction of a 6-inch force main would be required from the lift station to an existing 10-inch sanitary sewer line located to the south and west of the Koch Industries complex.

Street System: The property proposed for annexation will have access to Oliver Street, which serves the area as the nearest major north-south road, and 45th Street North, which serves the area as the nearest major east-west road. Both streets are two-lane arterials. In the 2000-2004 Sedgwick County Capital Improvement Program (C.I.P.), the County identifies the future need to widen Oliver Street between the 45th Street North and 37th Street North at an estimated cost of \$2,500,000.

Public Safety: Under the City-County first response agreement, fire services to this site can be provided most readily, within a five (5) to six (6) minute approximate response time, from County Station #32 located at 501 East 53rd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: Two parks and a greenway are located approximately two (2) miles southeast and southwest of the property proposed for annexation. Located southeast of the site, Chisholm Creek Park, a 281.90-acre regional park, features a 1.6 mile nature trail along Chisholm Creek, a wetlands area, and the Great Plains Nature Center. Located southwest of the site, Grove Park, a 125.85-acre regional park, contains a football field, basketball court, play area, and picnic area. The Chisholm Greenway, running along Chisholm Creek, connects Chisholm Creek Park and Grove Park.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the Wichita 2010 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, recently adopted by the City Council. However, the Plan recommends industrial rather than residential land use.

The property proposed for annexation has not yet been platted. The total appraised value of the property is \$11,190, resulting in an assessed value of \$1,287. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$40 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$25,340,800 when development is completed, resulting in an

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assessed value of \$3,972,700. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$124,767 in City annual tax revenues.

The capital cost to the City for sewer and water extensions is estimated at \$595,000. The petitioner is requesting a waiver of Policy 32 for the utility extension costs to be borne by the city and the Water and Sewer CIP Program.

The property is eligible for annexation under K.S.A. 12-520c. Whenever the City Council deems it advisable to annex land under the provisions of this Section, it must by resolution request the Board of County Commissioners to make a finding that the annexation would further the proper growth and development of the area. The City Clerk then files a certified copy of such resolution with the Board of County Commissioners, who must, within thirty (30) days following the receipt thereof, hold a public hearing and make findings and notify the City Council of its decision, after which the City Council may annex the property by ordinance.

Motion --
-- carried

Rogers moved that the Resolution be adopted and a certified copy be forwarded to the Sedgwick County Clerk. Motion carried 5 to 0. (Pisciote, Knight; absent)

RESOLUTION NO. R-00-335

A Resolution of the City of Wichita requesting that the Sedgwick County Board of County Commissioners make a finding, in accordance with K.S.A. 12-520c, that the annexation of the land described herein will not hinder nor prevent the proper growth and development of the area or of any other city located in Sedgwick County, presented Cole moved that the Resolution be adopted. Motion carried 5 to 0. Ayes: Cole, Gale, Lambke, Martz, Rogers. (Pisciote, Knight; absent)

AIRPORT AGENDA

AIRPORT PROJECT

FUEL FARM TANK LININGS – AIRPORT.

Agenda Report No. 00-0915.

On March 21, 2000 City Council approved the project and adopted the resolution.

The linings of four underground fuel storage tanks on Wichita Mid-Continent Airport have deteriorated and need to be replaced.

The total project cost is estimated to be \$85,000 and will be funded with General Obligation Bonds.

Motion -- carried

Rogers moved that the project be advertised for bids. Motion carried 5 to 0. (Pisciote, Knight; absent)

AIRPORT PROJECT

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN – AIRPORT.

Agenda Report No. 00-0916.

The 2000 Capital Improvement Program (CIP) provides for environmental compliance and modifications on Wichita Mid-Continent Airport.

Federal Regulation 40 CFR Part 112 requires Wichita Mid-Continent and Jabara Airports to have Spill Prevention Control and Countermeasure Plans (SPCCP) for the airports' respective fuel storage and dispensing areas. These plans are created to help prevent fuel spills, and outline response and recovery guidelines if a spill occurs. These plans, as required by regulation, must be reviewed; and, if required, updated every three years. A plan currently exists for Wichita Mid-Continent Airport, but needs to be reviewed and updated. A plan for Jabara Airport needs to be developed, as one has not been required in the past.

Financial Considerations: It is estimated that the cost will be \$20,000 and will be funded with airport revenue.

Motion -- carried

Rogers moved that the project be approved and selection of an engineer be authorized. Motion carried 5 to 0. (Pisciote, Knight; absent)

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AIRPORT STUDY

GENERAL AVIATION SITE DEVELOPMENT – AIRPORT.

Agenda Report No. 00-0917.

On March 21, 2000, the City Council approved the General Aviation Site Development project in order to properly accommodate the future development of general aviation on the western boundary of Mid-Continent Airport. Furthermore, the City Council amended the current Capital Improvement Program to include the planning and design phase for this project.

A study is required to identify the impact that additional development may have on the runway navigational system. Staff recommends that Dr. Richard McFarland from the Avionics Engineering Center, Ohio University prepare this study. The FAA is familiar with Dr. McFarland's expertise in this area and concurs that he be selected to prepare this study.

The cost of the study is not to exceed \$62,882 and will be funded with airport revenue. A portion of the expense will be reimbursed with federal grant funds when they become available. Funding is available within the current capital budget.

Motion --
-- carried

Rogers moved that the Dr. McFarland be selected to prepare the study; and a purchase order be initiated to pay for the cost of the Study. Motion carried 5 to 0. (Pisciotte, Knight; absent)

EXECUTIVE SESSION

Motion --

-- carried

Lambke moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, contract negotiations, preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to the financial affairs or trade secrets of a business; and return no sooner than 2:10 p.m. Motion carried 5 to 0. (Pisciotte, Knight; absent).

RECESS

The City Council recessed at 1:05 p.m. and returned at 2:20 p.m.

Vice-Mayor Lambke

Vice Mayor Lambke announced that no action was necessary as a result of the executive session.

(The City Council returned to reconsider the Selection of League Delegates Item on the City Council Agenda. Action is shown in Agenda order.)

ADJOURNMENT

The City Council meeting adjourned at 2:30 p.m.

Patsy Ellis
Deputy City Clerk